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GOVERNMENT OF PUNJAB
LEGISLATIVE DEPARTMENT



DEVELOPMENT CODE

Containing

Acts and Rules relating to Development in force in
Punjab

(Adapted and amended up to 30th June, 1956)

Price Rs. 9.00n^p

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PREFACE

No legislature in the modern world has either the time or the competence to embark on the task of subordinate law-making commonly known as delegated legislation. Jeremy Bentham, so often ahead of his times said that the legislator "sketches out a sort of imperfect mandate which he leaves it to the subordinate office holder to fill up." Moreover, the details required to be filled in demand an expert knowledge of administration and a constant adjustment in the light of experience. The justification for delegated legislation growing in mass and volume every day has no longer to be pleaded. The work of its compilation is as important as that of statute law.

2. After publication of Punjab Laws in three volumes my predecessor Shri Ismail originated the idea of compiling the delegated legislation consisting of the statutory rules, along with the parent laws pertaining to the broad facets of administrative activity in sizable volumes. The work has been continued and the first Code of the series styled as "Land Code" containing the laws and rules relating to administration of land has already been published. The laws and rules relating to the subject of development have been published in this volume named as the "Development Code" and would be followed up by "Local Government Code", "Health Code", "Industries and Labour Code", "Taxation Code" and a "Supplementary Code" containing the miscellaneous laws and rules which cannot be grouped in any one of the afore-said categories. The convenience and advantage accruing to the Administrative Departments by publication of such handy volumes containing only the laws with which they are primarily concerned is obvious and it is hoped that their task of reference would be considerably facilitated. The Central Acts which are needed by the Departments concerned also have been included in these volumes to make them self-contained. Shri D. N. Bakshi has been engaged as a counsel for this work of compilation and he was faced with considerable difficulties in tracing some of the Rules of which even the Departments had no knowledge. His work at once has been of collation, adaptation and research and he has discharged his duties with efficiency and devotion.

3. I am indebted to the Administrative Departments who have assisted in the preparation of these volumes.

SHAMSHER BAHADUR,

Secretary to Government, Punjab,
Legislative Department.

Chandigarh:
The 31st October,, 1956.

DEVELOPMENT CODE

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¹PUNJAB LAND PRESERVATION ACT, 1900.

PUNJAB ACT II OF 1900

[28th August, 1900, 10th October, 1900.]

1		3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1900 ..	II	The Punjab Land Preservation <i>Chos</i> Act, 1900.	Amended, Punjab Acts, IV of 1905 ² , VII ³ and VIII ⁴ of 1926. Amended by Government of India (Adaptation of Indian Laws) Order 1937. Amended by Punjab Act XI of 1942 ⁵ . Amended by Punjab Act IV of 1944 ⁶ . Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Orders, 1948 (G. G. O. 40). Amended by Punjab Act VII of 1950 ⁷ . Amended by the Adaptation of Laws Order, 1950. Amended by the Adaptation of Laws (Third Amendment) Order, 1951. Amended by Punjab Act I of 1951 ⁸ .

¹For Statement of Objects and Reasons, see *Punjab Gazette*, 1899, Part V-A, page 13; for Report of the Select Committee, see *ibid*, 1900, Part V, page 1. and for Proceedings in Council, see *ibid*, 1899, Part VI, page 14 and *ibid*, 1900, Part VI, page 12.

²For Statement of Objects and Reasons, see *Punjab Gazette*, 1905, Part V, page 137; and for Proceedings in Council, see *ibid*, 1905, Part V, pages 141 and 147.

³For Statement of Objects and Reasons, see *Punjab Gazette*, 1926, Part V, page 28; for Report of the Select Committee, see *ibid*, 1926, Part V, pages 112—14; and for Proceedings in Council, see *Punjab Legislative Council Debates*, Volume IX-A, pages 188—90, and Volume IX-B, pages 1174—77. It came into force on 16th August, 1926.

⁴For Statement of Objects and Reasons, see *Punjab Gazette*, 1926, Part I, page 544; and for Proceedings in Council, see *Punjab Legislative Council Debates*, Volume IX-B, page 1178. It came into force on 16th August, 1926.

⁵For Statement of Objects and Reasons, see *Punjab Gazette*, 1942, Extraordinary, page 255; for Proceedings in Assembly, see *Punjab Legislative Assembly Debates*, Volume XX, page 243.

⁶For Statement of Objects and Reasons, see *Punjab Gazette*, 1943, Extraordinary, pages 45-46; and for Proceedings, see *Punjab Legislative Assembly Debates*, Volume XXII, pages 829—836.

⁷For Statement of Objects and Reasons, see *Punjab Government Gazette*, 1950, Extraordinary, page 159; and for Proceedings in Assembly, see *Punjab Legislative Assembly Debates*, 1950, Volume I, page 20(35).

⁸For Statement of Objects and Reasons, see *Punjab Government Gazette*, 1951, Extraordinary, page 100; and for Proceedings in Assembly, see *Punjab Legislative Assembly Debates*, 1951, Volume III, pages (5)46 to (5)71.

AN ACT TO PROVIDE FOR THE BETTER PRESERVA-
TION AND PROTECTION OF CERTAIN PORTIONS
OF THE TERRITORIES OF ¹[PUNJAB] * 2 * *

* * * * *

It is hereby enacted as follows :—

PRELIMINARY.

Short title and
commencement.

1. (1) This Act may be called the Punjab Land Pre-
servation ⁴* * Act, 1900, and

⁵[(2) It shall extend to the whole of the State of
Punjab.]

⁶[(3) It shall come into force at once.]

Definitions.

2. In this Act unless a different intention appears
from the subject or context,—

(a) the expression “land” means land within
any ⁷[* *] area preserved and protected or
otherwise dealt with in manner in this Act pro-
vided, and includes benefits to arise out of land
and things attached to the earth or permanent-
ly fastened to anything attached to the earth :

¹Substituted for the words “East Punjab” (which had been inserted
for the word “Punjab” by the Indian Independence (Adaptation of
Bengal and Punjab Acts) Order, 1948, by the Adaptation of Laws (Third
Amendment) Order, 1951.

²The words “Situate within or adjacent to the Siwalik mountain
range” omitted by Punjab Act XI of 1942, section 2.

³The preamble was omitted by Punjab Act XI of 1942, section 3.

⁴The brackets and word “chos” omitted by Punjab Act IV of
1944, section 2 (a).

⁵Sub-section (2) inserted by Punjab Act, XI of 1942, section 4 (a). It
was substituted by Punjab Act, IV of 1944, section 2 (b). The sub-sec-
tion as thus substituted. was substituted again by the present sub-sec-
tion by Punjab Act, I of 1951, section 2.

⁶The old sub-section (2) was renumbered as sub-section (3) by
Punjab Act, XI of 1942, section 4 (a).

⁷The word “local” omitted by Punjab Act, IV of 1944, section 3 (a).

XVI of
1927.

- (b) the expression “*cho*” means a stream or torrent flowing through or from the *Siwalik* mountain range within ¹[Punjab];
- (c) the expressions “tree”, “timber”, “forest-produce” and “cattle”, respectively, shall have the meanings severally assigned thereto in section 2 of the Indian Forest Act, ²[1927];
- (d) the expression “person interested” includes all persons claiming any interest in compensation to be made on account of any measures taken under this Act, ³[* *];
- (e) the expression “Deputy Commissioner” includes any officer or officers at any time specially appointed by the ⁴[State] Government to perform the functions of a Deputy Commissioner under this Act;
- ⁵[(f) the expression “right-holder” includes—
 - (i) persons not being tenants or mortgagees having rights to or in land; and
 - (ii) persons having rights of collection of forest-produce or of grazing or pasture; and
- (g) the expression “erosion” includes the removal or displacement of earth, soil, stones or other materials by the action of wind or water.]

¹Substituted for the words “East Punjab”. The words “The Punjab” had been substituted by the word “East Punjab” by G. G. O. 40 of 1948.

²Substituted for the figures “1878” by Punjab Act, IV of 1944, section 3(b). See the Indian Forest Act, 1927 (XVI of 1927), section 2.

³The word “and” omitted by Punjab Act, IV of 1944, section 3(c).

⁴Substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

⁵Added by Punjab Act, IV of 1944, section 3 (d).

NOTIFICATION AND REGULATION OF AREAS

Notification
areas.

¹[3. Whenever it appears to the "[State] Government that it is desirable to provide for the conservation of sub-soil water or the prevention of erosion in any area subject to erosion or likely to become liable to erosion, such Government may by notification make a direction accordingly.]

Power to regulate, restrict or prohibit, by general or special order, with- in notified areas, certain matters.

4. In respect of areas notified under section 3 generally or the whole or any part of any such area the "[State] Government may by general or special order temporarily * * * regulate, restrict or prohibit—

- (a) the clearing or breaking up or cultivating of land not ordinarily under cultivation prior to the publication of the notification under section 3 ;
- (b) the quarrying of stone or the burning of lime at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section 3 ;
- (c) the cutting of trees or timber, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this sub-section, of any forest-produce other than grass, save for *bona fide* domestic or agricultural purposes [of right-holder in such area];
- (d) the setting on fire of trees, timber or forest-produce;

¹Substituted for the old section by Punjab Act, XI of 1942, section 5.

²Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³The words "or permanently" were omitted by Punjab Act, VII of 1926, section 2.

⁴Added by Punjab Act, IV of 1944, section 4(a).

- (e) the admission, herding, pasturing or retention of sheep ¹[goats or camels];
- (f) the examination of forest-produce passing out of any such area; and
- (g) the granting of permits to the inhabitants of towns and villages situate within the limits or in the vicinity of any such area, to take any tree, timber or forest-produce for their own use therefrom or to pasture sheep ²[goats or camels] or to cultivate or erect buildings therein and the production and return of such permits by such persons.

5. In respect of any specified village or villages, or part or parts thereof, comprised within the limits of any area notified under section 3, the ³[State] Government may, by special order, temporarily * ⁴ * regulate, restrict or prohibit—

Power in certain cases, to regulate, restrict or prohibit, by special order, within notified areas, certain further matters.

- (a) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3;
- (b) the quarrying of any stone or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3;
- (c) the cutting of trees or timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this sub-section, of any forest-produce ⁵[for any purposes]; and

¹Substituted for the words "or goats" by Punjab Act, IV of 1944, section 4(b).

²Substituted for the words "or goats" by Punjab Act, IV of 1944, section 4(c).

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴The words "or permanently" were omitted by Punjab Act, VII of 1926, section 3.

⁵Substituted for the words "for bona fide domestic or agricultural purposes" by Punjab Act, IV of 1905.

- (d) the admission, herding, pasturing or retention of cattle generally other than sheep ¹[goats and camels], or of any class or description of such cattle.

Power to require execution of works and taking of measures.

²[5-A. In respect of areas notified under section 3 generally or the whole or any part of any such area, the ³[State] Government may, by general or special order, direct—

- (a) the levelling, terracing, drainage and embanking of fields ;
- (b) the construction of earth-works in fields and ravines ;
- (c) the provision of drains for storm water ;
- (d) the protection of land against the action of wind or water ;
- (e) the training of streams ; and
- (f) the execution of such other works and the carrying out of such other measures as may, in the opinion of the ³[State] Government, be necessary for carrying out the purposes of this Act.]

Necessity for regulation, restriction or prohibition to be recited in order under sections 4, 5 or 5-A of Publication order.

6. Every order made under ⁴[sections 4, 5, or 5-A] shall be published in the ⁵*Official Gazette* and shall set forth that the ³[State] Government is satisfied, after due inquiry, that regulations, restrictions, ⁶[prohibitions or directions] contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

¹Substituted for the words "and goats" by Punjab Act, IV of 1944, section 4(c).

²Inserted by Punjab Act, IV of 1944, section 5.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴Substituted for "section 4 or section 5" by Punjab Act, IV of 1944, section 7(a).

⁵Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁶Substituted for the words "or prohibitions" by Punjab Act, IV of 1944, section 7(b).

7. (1) When, in respect of any ¹[* *] area, a notification has been published under section 3, and—

(a) upon such publication any general order, made under section 4 ²[or section 5-A] becomes applicable to such area, or

(b) any special order under ³[sections 4, 5 or 5-A], is made in respect of such area,

Proclamation of regulations, restrictions and admission of claims for compensation for rights which are restricted or prohibited.

the Deputy Commissioner shall cause public notice of the provisions of such general or special order to be given, and if the provisions of any such order restrict or ⁴[prohibit the exercise of] any existing rights, shall also publish in the language of the country and in every town and village the boundaries of which include any portion of the area within or over which ⁵[the exercise of any such rights is so restricted or prohibited] a proclamation stating the regulations, restrictions and prohibitions which have been imposed, by any such order, within the limits of such area or in any part or parts thereof, fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any compensation in respect of any right so restricted or prohibited, within such period either to present to such officer a written notice specifying, or to appear before him and state, the nature and extent of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

(2) Any claim not preferred within the time fixed in the proclamation made under sub-section (1), shall be rejected :

Provided that, with the previous sanction of the Commissioner, the Deputy Commissioner may admit any such claim as if it had been made within such period.

¹The word "Local" was omitted by Punjab Act, IV of 1944, section 8 (a).

²Inserted by Punjab Act, IV of 1944, section 8(b).

³Substituted for "section 4 or section 5" by Punjab Act, IV of 1944, section 8 (c).

⁴Substituted for the word "extinguish" by Punjab Act, VII of 1926, section 4.

⁵Substituted for the words "any such rights are so restricted or extinguished" by Punjab Act, VII of 1926, section 4.

¹[7-A. (1) When an order has issued under section 5-A, the Deputy Commissioner may by notice require the owner or occupier of the land to execute such works or take such measures as may be specified in the notice.

(2) Every such notice shall state the time within which the works are to be executed or measures are to be taken.

(3) A person aggrieved by an order contained in such a notice as aforesaid may, within thirty days from the service of such notice or within such longer period as the Deputy Commissioner may allow in this behalf, serve a notice of his objections on the Deputy Commissioner in such manner as may be provided by the rules made under this Act.

(4) If and in so far as an objection under this section is based on the ground of some informality, defect or error in or in connection with the notice, the Deputy Commissioner shall dismiss the objection, if he is satisfied that the informality, defect or error was not a material one.

(5) If the objection is brought on all or any of the following grounds, that is to say :—

- (a) that the notice might lawfully have been served on the occupier of the land in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served ;
- (b) that some other person, being the owner, occupancy tenant, mortgagee with possession, or lessee, or farm holder, or possessing some other right in or over the land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required ;
- (c) where the work or measure is work or measure for the common benefit of the land in question and other land, that some other person being the owner or occupier of land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required ;

¹Inserted by Punjab Act, IV of 1944, section 9.

the objector shall serve a copy of his notice of objection on each other person referred to, and on the hearing of the objection the Deputy Commissioner may make such order as he thinks fit with respect to the person by whom any work is to be executed or measure is to be taken and the contribution to be made by any other person towards the cost of the work or measure, or as to the proportions in which any expenses which may become recoverable by the Deputy Commissioner under sub-section (6) are to be borne by the objector and such other person :

Provided that no such order shall be made unless the person who is likely to be affected thereby has been given a reasonable opportunity of being heard.

In exercising his power under this sub-section the Deputy Commissioner shall have regard—

(a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works and measures required ; and

(b) in any case, to the degree of benefit to be derived by the different persons concerned.

(6) Notwithstanding anything to the contrary in any law for the time being in force, no person required by a notice or an order under this section to execute any work or to take any measure shall be required to obtain the consent of any other person before complying with such notice or order.

(7) Subject to such right of objection as aforesaid and the right of appeal under section 18, if the person required by the notice to execute works or to take measures fails to execute the works or to take the measures indicated within the time thereby limited, the Deputy Commissioner may himself or by an agent execute the works or

take the measures and recover from that person the expenses reasonably incurred by him in so doing ;

(1) provided that it shall not be necessary for the Deputy Commissioner to wait for the decision of any objection other than an objection under clause (a) of sub-section (5), or an appeal against any decision on such objection, before taking action under this sub-section ;

1* * * *

(8) If the cost of any work executed or any measure taken by any person remains unpaid by the person from whom it is due after the date specified in a notice issued in this behalf by the Deputy Commissioner or such other date as is fixed by him, such cost shall be recoverable as an arrear of land revenue and a certificate issued by the Deputy Commissioner in this behalf shall be final and conclusive evidence of the sum so recoverable and the person liable for the same.

(9) Every order issued under this section shall be published in such manner as may be prescribed in the rules made under this Act, and upon such publication every person affected thereby shall, unless the contrary be proved, be deemed to have had due notice thereof.

(10) The Deputy Commissioner may by general or special order authorise any revenue officer subordinate to him to enquire into any objection that may be brought under this section :

Provided that no final order on any such objection shall be passed except by the Deputy Commissioner himself.

(11) In making an order on objections brought under this section, the Deputy Commissioner shall be guided by such rules, if any, as the ²[State] Government may make in this behalf.

(12) For the purposes of this section, the expression "estate" shall have the meaning assigned thereto in the Punjab Land Revenue Act, 1887.]

¹Proviso (2) omitted by Punjab Act, I of 1951, section 3.

²Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CONTROL OVER THE BEDS OF CHOS.

8. (1) Whenever it appears to the ¹[State] Govern- Action when
State Govern-
ment considers
it desirable to
take measures
to regulate the
beds of chos.
Vesting of such
beds in State
Government. ment that it is desirable that measures should be taken in the bed of any *cho* for the purpose of—

(a) regulating the flow of water within, and pre-
venting the widening or extension of, such bed,
or of

(b) reclaiming or protecting any land situate with-
in the limits of such bed ;

such Government, may, either proceed at once in manner in sub-section (2) provided, or, in the first instance, by notification specifying the nature and extent of the measures to be taken and the locality in and the time within which such measures are to be so taken, require all persons possessing proprietary or occupancy rights in land situate in such locality to themselves carry out the measures specified in such notification accordingly.

(2) If the whole or any part of the bed of any *cho* be unclaimed, or, if, in the opinion of the ¹[State] Government the measures deemed necessary under sub-section (1) are of such a character, in regard to extent and cost, that the interference of the ¹[State] Government is absolutely necessary, or in the event of the owner or occupier of any portion of the bed of any *cho* failing to comply with the requirements of any notification issued under sub-section (1), such Government may, by notification, declare that the whole or any part of the area comprised within the limits of the bed of any *cho* shall ²[vest in the State Government] * * ³ * * for such period and subject to such conditions (if any) as may be specified in the notification :

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Substituted for the words "His Majesty for the purposes of the Province" by the Adaptation of Laws (Third Amendment) Order, 1951.

³The words "either absolutely and in perpetuity or" were omitted by Punjab Act VIII of 1926, section 2.

Provided that no such declaration shall be made in respect of, or shall affect, any land included within the limits of the bed of any such *cho*, which, at the date of the publication of the notification making such declaration, is cultivated or culturable, or yields any produce of substantial value.

(3) When the owners or occupiers of such locality are unable to agree among themselves regarding the carrying out of such measures, the decision of those paying the larger amount of land-revenue shall be held to be binding on all.

(4) The '[State] Government may, from time to time, by like notification, extend the period during which any such area shall remain vested in ²[the State Government].

Effect of notification to suspend or extinguish private rights in the area notified under section 8.

9. Upon the making of any declaration under sub-section (2) of section 8, all private rights of whatever kind existing in or relating to any land comprised within the area specified in the notification containing such declaration at the time of the publication thereof, shall ³[be suspended for the period specified in the declaration and for such further period (if any) to which such period may at any time be extended] :

Provided that, as far as circumstances admit, such rights of way and water shall be reserved, in respect of every such area, as may be necessary to meet the reasonable requirements and convenience of the persons (if any) who, at the time of the making of such declaration, possessed any such rights over such area.

Power of Deputy Commissioner to delimit the bed and to decide what constitutes such bed. Power to take possession of bed when vested in the State Government.

10. (1) The Deputy Commissioner shall, for the purposes of every notification issued under sub-section (2) of section 8, fix the limits of the area comprised within the bed of the *cho* to which such notification is to apply.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Substituted for the words "His Majesty" by the Adaptation of Laws (Third Amendment) Order, 1951.

³Substituted for the old clauses (a) and (b) by Punjab Act, VIII of 1926, section 3.

(2) Upon the publication of a notification containing any declaration under sub-section (2) of section 8, it shall be lawful for the Deputy Commissioner to—

- (a) take possession of the area specified in such declaration ;
- (b) eject all persons therefrom ; and,
- (c) deal with such area, while it remains vested in ¹[the State Government], as if it were the absolute property of the ¹[the State Government].

11. No person shall be entitled to any compensation for anything at any time done, in good faith, in exercise of any power conferred by section 8, section 9 or section 10. Bar of compensation for acts done under sections 8, 9, or 10.

12. [Condition as to sale of land acquired under the Act and obligation of Local Government to keep account of moneys expended on such land.]—*Repealed by Act VIII of 1926. s. 4.*

POWER TO ENTER UPON AND DELIMIT NOTIFIED AREAS AND BEDS.

13. It shall be lawful for the Deputy Commissioner and for his subordinate officers, servants, care-takers and workmen, from time to time, as occasion may require,— Power to enter upon, survey and demarcate local areas notified under section 3 or section 8.

- (a) to enter upon and survey any land comprised within any ²* * * * area in regard to which any notification has been issued under section 3 or section 8 ³[or in regard to which a notification is proposed to be issued under section 5-A] ;
- (b) to erect bench-marks on and to delimit and demarcate the boundaries of any such ²* * * * area ; and

¹Substituted for the words "His Majesty" by the Adaptation of Laws (Third Amendment) Order, 1951.

²The word "local" omitted by Punjab Act, IV of 1944, section 10(a).

³Inserted by Punjab Act, IV of 1944, section 10(b).

- (c) to do all other acts and things which may be necessary in order adequately to preserve or protect any land or to give effect to all or any of the provisions of this Act :

Provided that reasonable compensation, to be assessed and determined in the manner in this Act provided, shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section, but no such compensation shall be payable in respect of anything done under the said provisions within the limits of any ¹* * * * area notified under section 8.

INQUIRY INTO CLAIMS AND AWARD OF COMPENSATION.

Inquiries
claims
awards
upon.

into
and
there-

14. (1) The Deputy Commissioner shall—

- (a) fix a date for inquiring into all claims made under section 7 * ² * and may in his discretion, from time to time, adjourn the inquiry to a date to be fixed by him ;
- (b) record in writing all statements made under section 7 ;
- (c) inquire into all claims duly preferred under section 7 * ² * ; and
- (d) make and award upon each such claim, setting out therein the nature and extent of the right claimed, the person or persons making such claim, the extent (if any) to which, and the person, or persons in whose favour, the right claimed is established, the extent to which it is to be restricted or ³[prohibited] and the nature and amount of the compensation (if any awarded).

¹The word "local" omitted by Punjab Act, IV of 1944, section 10(a).

²The words "or section 12" were omitted by Punjab Act, VIII of 1926, section 5.

³Substituted for the word "extinguished" by Act, VIII of 1926, section 5.

XIV of
1882.

(2) For the purposes of every such inquiry the Deputy Commissioner may exercise all or any of the powers of a Civil Court in the trial of suits under the ¹Code of Civil Procedure.

(3) The Deputy Commissioner shall announce his award to such persons interested, or their representatives, as are present, and shall record the acceptance of those who accept it. To such as are not present, the Deputy Commissioner shall cause immediate notice of his award to be given.

of
1894.

15. (1) In determining the amount of compensation, the Deputy Commissioner shall be guided, so far as may be, by the provisions of sections 23 and 24 of the ²Land Acquisition Act, 1894, and, as to matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case. Method of awarding compensation effect of award. of compensation and such

(2) The Deputy Commissioner may, with the sanction of the ³[State] Government and the consent of the person entitled, instead of money award compensation in land or by reduction in revenue or in any other form.

(3) If, in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

⁴(4) * * * * *

PROCEDURE, RECORDS AND APPEAL.

16. (1) For every area, notified under section 3 or section 8, the Deputy Commissioner shall prepare a record Record of rights in respect of notified area.

¹See now the Code of Civil Procedure, 1908 (Act V of 1908), Unrepealed Central Acts, Volume V.

²Unrepealed Central Acts, Volume III.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴Repealed by Punjab Act, VIII of 1926, section 6.

setting forth the nature, description, local situation and extent of all rights mentioned in section 4 and section 5—

(a) existing within such area at the time of the publication of the notification relating thereto under section 3 or section 8 ;

(b) regulated, restricted, * ¹ * or ²[prohibited] by any order under section 4 or section 5.

(2) When any award is made under section 14, its effect upon any right shall also be recorded therein.

Mode of pro-
claiming noti-
fications and of
serving notices,
orders and pro-
cesses, issued
under the Act.

17. (1) Upon the publication of a notification issued under any of the provisions of this Act, the Deputy Commissioner shall cause public notice of the substance thereof to be given at convenient places in the locality to which such notification relates.

(2) The procedure prescribed in sections 20, 21 and 22 of the Punjab Land-Revenue Act, 1887, shall be followed, as far as may be, in proceedings under this Act. XVII of 1887.

Appeal, review
and revision.

18. Every order passed and every award made by a Deputy Commissioner under this Act, shall, for the purposes of appeal, review and revision, respectively, be deemed to be the order of a Collector within the meaning of sections 13, 14, 15, and 16 of the Punjab Land-Revenue Act, 1887 : XVII of 1887.

Provided that nothing in this Act contained shall be deemed to exclude the jurisdiction of any Civil Court to decide any dispute arising between the persons interested in any compensation awarded as to the apportionment or distribution thereof amongst such persons or any of them.

¹The word "suspended" was omitted by Punjab Act, VIII of 1926, section 7.

²Substituted for the word "extinguished" by Punjab Act, VIII of 1926, section 7.

PENALTIES, BAR OF SUITS AND RULES.

19. Any person who, within the limits of any ^{Penalty} ^{for} ^{offences.} ^{1*} ^{*} ^{*} ^{*} area notified under section 3, commits any breach of any regulation made, ²[restriction or prohibition imposed, order passed or requisition made under sections 4, 5, 5-A or 7-A] ³[or obstructs or resists in any way whatever the execution of acts or things done under section 13,] shall be punished with imprisonment for a term which may extend to one month, or with a fine which may extend to one hundred rupees, or with both.

20. ⁴[The provisions of sections 52, 54, 55, 56, 57, 58 ^{Application of} ^{provisions of the} ^{Indian Forest} ^{Act, 1927.} 59, 60, 61, 62, 64 (excluding the last sentence), 66, 67, 68 and 73 of the Indian Forest Act, 1927,] shall, so far as applicable, be read as part of this Act, and for the purposes of those provisions, every offence punishable under section 19 shall be deemed to be a "forest offence", and every officer employed in the management of any area notified under section 3 or section 8, as care-taker or otherwise, shall be deemed to be a forest officer.

21. No suit shall lie against the ⁵[Government] ^{for} ^{Bar of suits.} anything done under this Act, and no suit shall lie against any public servant, for anything done, or purporting to have been done, by him, in good faith, under this Act.

22. (1) The ⁶[State] Government may make rules, ^{Power to make} ^{rules.} consistent with this Act,—

- (a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and
- (b) generally for the purpose of carrying into effect all or any of the provisions of this Act.

(2) All rules made under this section shall be published in the ⁷Official Gazette.

¹The word "local" omitted by Punjab Act, IV of 1944, section 11(a).

²Substituted for the words "or restriction or prohibition imposed under section 4 or section 5" by Punjab Act, IV of 1944, section 11(b).

³Inserted by Punjab Act VII, 1950, section 2.

⁴Substituted for "The provisions of sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63 (excluding the last sentence), 64, 65, 66, 67 and 72 of the Indian Forest Act, 1878," by Punjab Act, IV of 1944, section 12.

⁵Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁶Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws), Order, 1937.

20 PUNJAB FOREST (SALE OF TIMBER) [1913 : Pb. Act III.

¹THE PUNJAB FOREST (SALE OF TIMBER) ACT,
1913.

Act, No. III of 1913.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN
COUNCIL.

[Received the assent of His Honour the Lieutenant-Governor on the 12th February, 1913, and that of His Excellency the Viceroy and Governor-General on the 6th March, 1913, the Governor-General's assent was first published in the "Punjab Government Gazette" of 21st March, 1913.]

AN ACT TO PROVIDE FOR THE CONTROL OF
THE SALE OF TIMBER AND ESTABLISHMENT OF
SALE DEPOTS FOR SUCH TIMBER IN ²PUNJAB.

WHEREAS it is expedient to provide for the control of
the sale of timber and the establishment of sale depots for
such timber in ²[Punjab] ;

It is hereby enacted as follows :—

Short title, ex-
tent and com-
mencement.

1. This Act may be called the Punjab Forest (Sale
of Timber) Act, 1913.

It shall extend to such local areas as the ³[State]
Government may by notification in the ⁴[Official Gazette]
direct ; and it shall come into force in each of such areas
on such day as the ³[State] Government in like manner
directs in this behalf.

Meaning of
terms.

2. In this Act all expressions have the meaning as-
signed to them in the ⁵Indian Forest Act, 1878.

Power to make
rules regulating
sale of timber
and the estab-
lishment of sale
depots.

3. (1) The ³[State] Government may, by notifica-
tion in the ⁴[Official Gazette], make rules to regulate the
sale of timber and the establishment of sale depots for
such timber.

¹For Statement of Objects and Reasons, see *Punjab Gazette* 1912. Part V, page 92; for Report of the Select Committee, see *ibid*, Part V, Page 225; and for proceedings in Council, see *Punjab Gazette* 1912. Part V, Page 134, and *ibid*, 1913, Part V, Page 5.

²Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for "East Punjab".

³Substituted by A. O., 1950, for "Provincial".

⁴Substituted by A. O., 1937, for "Local Official Gazette".

⁵See now the Indian Forest Act, 1927 (XVI of 1927), Unrepealed Central Acts, Volume VIII.

Such rules may among other matters—

- (a) prescribe the classes of timber to which the rules shall apply ;
- (b) define what shall be deemed to be a sale depot ;
- (c) provide for the establishment, registration, regulation and inspection of sale depots, and the levy of fees for registration ; prescribe the period for which registration shall hold good and the conditions under which timber may be brought to, stored at, sold at, and removed from sale depots ; and prohibit the sale of timber at, or the establishment or maintenance of, unregistered sale depots ;
- (d) regulate the use of sale depot marks and the registration of such marks ; prescribe the time for which registration shall hold good ; and provide for the levy of fees for registration ;
- (e) prescribe the registers to be maintained at sale depots, and provide for the production of such registers before, and for their examination by, any Forest or Police-officer authorized in this behalf by the Divisional Forest Officer or by the District Superintendent of Police, respectively ;
- (f) prescribe as penalties for the infringement of any rule made under this section, imprisonment which may extend to six months or fine which may extend to Rs. 500 or both. Double penalties may be inflicted where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence.

VII of 1878. (2) All rules made under sub-section (1) shall be so made after previous publication in the ¹[Official Gazette].

4. The provisions of Chapter X of the ²Indian Act. Forest Act, 1878, with the exception of section 67, shall apply so far as may be to any infringement of the rules made under this Act as if such infringement were a forest-offence under the Indian Forest Act.

5. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Application of Chapter X of Indian Forest Act.
Indemnity for acts done in good faith.

¹Substituted by A. O. 1937, for "Gazette".

²See now the Indian Forest Act, 1927 (XVI of 1927), Chapter IX, with the exception of section 58.

THE PUNJAB FISHERIES ACT, 1914.

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6. Arrest without warrant for offences under the Act.
7. Saving of powers under Indian Fisheries Act.
8. Power to compound certain offences.

The Schedule.

¹THE PUNJAB FISHERIES ACT, 1914.

[PUNJAB ACT II OF 1914].

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN
COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 15th January, 1914, and that of His Excellency the Viceroy and Governor-General on the 29th January, 1914, and was first published in the Punjab Gazette² of the 13th February, 1914.]

1	2	3	4
Year	No.	Short title	Whether affected by later legislation
1914	II	The Punjab Fisheries Act, 1914.	Amended by ;— 1. Punjab Act IV of 1923 ³ . 2. Punjab Act II of 1941 ⁴ . Adapted by:— 1. Government of India (Adaptation of Indian Laws) Order, 1937. (2. Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. 3. Adaptation of Laws Order, 1950. 4. Adaptation of Laws (Third Amendment) Order, 1951.

¹For Objects and Reasons, see *Punjab Gazette*, 1913, Part V, page 265; for Report of the Select Committee, see *ibid*, page 365; and for proceedings in Council, see *ibid*, see pp. 298 and 381.

²See *Punjab Gazette*, Part V, 1914, Page 43.

³For Statement of Objects and Reasons, see *Punjab Gazette*, 1923, Part V, pp. 45—47, for report of the Select Committee, see *ibid*, pp. 119—122; and for proceedings in the Council, see *Punjab Legislative Council Debates*, Vol. IV, pp. 906—10. This Act came into force on 1st January, 1924,—*vide Punjab Gazette*, 1923, Part I, Page 991.

⁴For Statement of Objects and Reasons, see *Punjab Gazette*, Extraordinary, 1940, Page 243, and for proceedings in Assembly, see *Punjab Legislative Assembly Debates*, Vol. XV, pp. 85-86.

AN ACT TO EXTEND THE LAW RELATING TO
FISHERIES IN ¹[PUNJAB].

WHEREAS it is expedient to extend the Law relating to Fisheries in ¹[Punjab];

It is hereby enacted as follows :—

1. (1) This Act may be called the Punjab Fisheries Title and extent. Act, 1914.

(2) It extends to the whole of ²[Punjab].

2. In this Act and the Rules thereunder unless there is something repugnant in the subject or context, the expressions “fish” and “private water” shall have the meanings assigned to them in section 3 of the ³Indian Fisheries Act, 1897. Meaning of terms.

IV of 1897. ⁴[2-A. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) “Fishery Officer” means any person whom the ⁵[State] Government or any officer empowered by the ⁵[State] Government in this behalf may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes of this Act, or to do anything required by this Act or any rule made thereunder to be done by a Fishery Officer.

Provided that no police officer below the rank of Sub-Inspector shall be so empowered.

(2) “Fishing offence” means an offence punishable under this Act or under any rule made thereunder.]

3. (1) The ⁵[State] Government may make rules for the purposes hereinafter in this section mentioned, and shall in such rules declare the waters, not being private waters, to which all or any of them shall apply. Prohibition and licensing of fishing in select-
ed waters by
rules of State
Government.

(2) The ⁵[State] Government may by notification apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may—

(a) prohibit fishing except under license and regulate the granting of such licenses, the fees pay-

¹Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for “East Punjab”.

²Substituted by A. O., 1950, for “East Punjab”.

³See unrepealed Central Acts, Volume III.

⁴Added by Punjab Act IV of 1923.

⁵Substituted by A. O., 1950, for “Provincial”.

able therefor, and the conditions to be inserted therein ;

(b) prescribe seasons in which the killing of any fish of any prescribed species shall be prohibited ; and

(c) prescribe a minimum size of weight below which no fish of any prescribed species shall be killed.

(4) In making any rule under this section the ¹[State] Government may provide for—

(a) the seizure, forfeiture and removal of any apparatus erected or used for fishing in contravention of the rules, and

(b) the forfeiture of any fish taken by means of any such apparatus.

(5) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

Power to prohibit sale of fish. 4. The ¹[State] Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish killed in contravention of any rule made under section 3(3) (b) and (c) of this Act.

Penalty. 5. The breach of any rule made under section 3 or of any prohibition notified under section 4 shall be punishable with fine which may extend to one hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in.

Arrest without warrant for offences under the Act. 6. (1) Any police officer, or other person specially empowered by the ¹[State] Government in this behalf, may without a warrant arrest any person committing in his view a breach of any rule made under section 3 or of any prohibition notified under section 4—

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained :

¹Substituted by A. O., 1950, for "Provincial".

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

7. Nothing in this Act shall be deemed to limit the powers of the ¹[State] Government to make rules under section 6 of the ²Indian Fisheries Act, 1897. Saving of powers under Indian Fisheries Act.

³[. (1) The ¹[State] Government may by notification empower a fishery officer by name or as holding an office— Power to compound certain offences.

(a) to accept from any person concerning whom evidence exists which if un rebutted would prove that he has committed any fishing offence as described in the first column of the Schedule a sum of money by way of compensation for the offence with regard to which such evidence exists and on the payment of such sum to such officer such person if in custody shall be discharged and no further proceedings shall be taken against him.

(b) when any property has been seized as liable to confiscation, to release ~~the same without further payment~~, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money acceptable as compensation under clause (a) of sub-section (1) shall in no case exceed the amount mentioned in the second column of the Schedule as the amount acceptable as compensation for the particular offence described in the first column of the schedule.]

¹Substituted by A. O. 1950, for "Provincial".

²See Unrepealed Central Acts, Volume III.

³New section 8, added by the Punjab Fisheries (Amendment) Act 1923 (Punjab Act, IV of 1923).

¹ THE SCHEDULE.

(See Section 8)

Maximum amounts acceptable as compensation for certain fishing offences under section 8.

Description of offence	Maximum amount acceptable as compensation
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act	Rupees ten
2. Fishing without a license	Rupees ten.
3. Killing fish of a size or weight less than the standard prescribed under this Act	Rupees ten.
4. Killing any fish of a prohibited species during a close season.	Rupees ten.
25. Fishing with any gear or method other than permitted under the rule	Rupees ten.
6. Using at any one time more than two of either or any of the gears permitted under the rules	Rupees ten.
7. Licence holders employing or engaging non-licensees to help them with their nets while fishing	Rupees ten.
8. Fishing in prohibited waters	Rupees ten.
which is posing for sale or specified area of the sale of issued under Section 4 in any Act.	Rupees ten.]

THE PUNJAB AERIAL ROPEWAYS ACT, 1926.
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¹Schedule added by Punjab Act, IV of 1923.²Items, 5, 6, 7, 8 and 9, added by the Punjab Fisheries (Amendment) Act, 1941 (Punjab Act II of 1941).

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¹THE PUNJAB AERIAL ROPEWAYS ACT, 1926.

PUNJAB ACT V OF 1926.

[Received the assent of the Governor of the Punjab on the 27th March, 1926, and that of the Governor-General on the 2nd May, 1926, and was first ²published in the Punjab Gazette Extraordinary of 18th May, 1926.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1926 ..	V ..	The Punjab Aerial Ropeways Act, 1926	Amended by Government of India (Adaptation of Indian Laws) Order, 1937. Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G. G. O. 40) Amended by Adaptation of Laws Order, 1950 Amended by Adaptation of Laws (Third Amendment) Order of 1951.

¹For Statement of Objects and Reasons, see *Punjab Gazette*, 1925, Part V, pages 358—360, for Select Committee's Report, see *ibid.*, 1926, Part V, pages 62—79, and for Proceedings in Council, see *Punjab Legislative Council Debates*, Volume VIII-B, page 1831 and Volume IX-A, pages 705 and 845.

²See *Punjab Gazette, Extraordinary*, 1926, pages 27—34.

AN ACT TO AUTHORIZE, FACILITATE, AND REGULATE THE CONSTRUCTION AND WORKING OF AERIAL ROPEWAYS IN ¹[PUNJAB].

WHEREAS it is expedient to authorize, facilitate, and regulate the construction and working of aerial ropeways in ¹[Punjab] and whereas the previous sanction of the Governor-General to the passing of this Act has been obtained. It is hereby enacted as follows :—

1. (1) This Act may be called the Punjab Aerial Ropeways Act, 1926. Short title and extent.

(2) It extends to ²Punjab.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(1) “Aerial Ropeway” means an aerial ropeway (or any portion thereof) for the public carriage of passengers, animals or goods, and includes all ropes, posts, carriers, stations, offices, ware-houses, workshops, machinery and other works used for the purposes of, or in connection with, and all land appurtenant to, such aerial ropeway ;

(2) “Carrier” means any vehicle or receptacle hung or suspended from, or hauled by, a rope and used for the carriage of passengers, animals, or goods or for any other purpose in connection with the working of an aerial ropeway ;

(3) “Circle” in relation to a local authority means the area within the control of that authority ;

(4) “Inspector” means an Inspector of aerial ropeways appointed under this Act ;

(5) “Order” means an order authorizing the construction of an aerial ropeway under this Act, and includes a further order substituted for, or amending, extending or revoking that order ;

¹Substituted for the words “East Punjab” by the Adaptation of Laws (Third Amendment) Order, 1951.

²Substituted for the words “East Punjab” which had been inserted for the word “the Punjab” by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, by the Adaptation of Laws Order, 1950.

(6) "Post" means a post, trestle, standard, strut, stay, or other contrivance or part of a contrivance for carrying, suspending or supporting a rope ;

(7) "Prescribed" means prescribed by rules made by the ¹[State] Government under section 32 ;

(8) "Promoter" means—

(i) the ¹[State] Government,

(ii) a local authority,

(iii) any person,

(iv) any company incorporated under the Indian Companies Act, 1913, or

(v) any railway company as defined in the Indian Railways Act, 1890,

VII of
1913.

X of
1890.

in whose favour an order has been made under section 7, or on whom the rights and liabilities conferred and imposed on the promoter by this Act, and by rules and orders made under this Act, as to the construction, maintenance and use of an aerial ropeway, have devolved ;

(9) "Rate" includes any fare, charge or other payment for the carriage of passengers, animals or goods ;

(10) "Rope" includes any cable, wire, rail, or way, whether flexible or rigid for suspending, carrying or hauling a carrier, if any part of such cable, wire, rail, or way, is carried overhead and is suspended from or supported on posts ;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

PROCEDURE AND PRELIMINARY INVESTIGATION.

3. Every application by an intending promoter other than the ¹[State] Government in regard to a proposed aerial ropeway for permission to undertake the necessary preliminary investigations shall be submitted to the ¹[State] Government. Application for concession.

4. Every such application shall include— Contents of application.
- (a) a description of the undertaking and of the route to be followed by the proposed aerial ropeway ;
 - (b) a description of the system of construction and management and the advantages to the community to be expected from the aerial ropeway ;
 - (c) an approximate estimate of the cost of construction thereof ;
 - (d) a statement of the estimated working expenses and profits expected ;
 - (e) a statement of the maximum and minimum rate proposed to be charged ;
 - (f) such maps, plans, sections, diagrams and other information as the ¹[State] Government may require in order to form an idea of the proposal.

5. Subject to the provisions of this Act and of section 4 of the Land Acquisition Act, 1894, the ¹[State] Government may ²[* * * * *] accord sanction to the promoter to make such survey, as may be necessary, and require him to submit such detailed estimates, plans, sections, specifications and such further information as it may deem necessary for the full consideration of the proposal. The promoter shall not in any event be entitled to claim any compensation from the ³[Government] for any expense incurred under this section. Preliminary investigations.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²The words "at its discretion" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

ORDERS AUTHORIZING THE CONSTRUCTION OF AERIAL
ROPEWAYS.

Publication of
proposed order
authorising con-
struction and
contents of such
orders.

6. (1) The ¹[State] Government may, on application made by any promoter and after due consideration of the details supplied in accordance with section 5, publish in the Official Gazette a draft of the proposed order authorizing the construction of an aerial ropeway within any specified area or along any specified route by or on behalf of such promoter, subject to such restrictions and conditions as the ¹[State] Government may deem proper.

(2) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the ¹[State] Government on or before a date to be specified in the notice be received and considered.

(3) The ¹[State] Government shall cause public notice of the intention to make the order to be given at convenient places within the said area, or along the said route and shall, so far as may be conveniently possible, cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion with respect to the proposed order which may be received from any person within a date to be specified in such notice.

(4) The draft of the proposed order may specify—

- (i) a time within which the capital required for the construction of the aerial ropeway shall be raised ;
- (ii) a time within which the construction shall be commenced ;
- (iii) a time within which the construction shall be completed ;
- (iv) the condition under which a concession, guarantee, or financial assistance may be given by the ¹[State] Government or a local authority to the promoter ;
- (v) the right of purchase by the ¹[State] Government or a local authority ;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- (vi) the rules regarding audit and accounts ;
- (vii) the rules regarding arbitration for the settlement of disputes ;
- (viii) the specifications relating to the structural designs, quality of material, factors of safety, method of computing stresses and other such technical details as may be considered necessary ;
- ¹[(ix) the rules relating to the construction of the aerial ropeway over roads and other public ways of communication, except railways as defined by the ²[Constitution] and, with the previous sanction of ³* * * * * the Central Government, over such railways] ;
- (x) the conditions under which the promoter may sell or transfer his rights to the ⁴[State] Government, or to a local authority, or person ;
- (xi) the conditions under which the aerial ropeway may be taken over by the ⁴[State] Government to be worked by itself or by a local authority or by a person other than the promoter ;
- (xii) the motive power to be used on the aerial ropeway and the conditions, if any, on which such power may be used ;
- (xiii) the minimum headway to be maintained under different parts of the rope ;
- (xiv) the points under the aerial ropeway at which bridges or guards shall be constructed and maintained ;
- (xv) the traffic which may be carried on the ropeway, the traffic which the promoter shall be bound to carry, and the traffic which he may refuse to carry ;

¹Substituted for the old clause by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the words "Government of India Act, 1935", by the Adaptation of Laws (Third Amendment) Order, 1951.

³The words "the Federal Railway authority or" omitted by the Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

⁴Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- (xvi) the maximum and minimum rates that may be charged by the promoter, and the circumstances in which and the manner in which these rates may be revised by the ¹[State] Government;
- (xvii) the amount of security, if any, to be deposited by the promoter in the event of his application being granted; and
- (xviii) such other matters as the ¹[State] Government may deem necessary.

Final Order.

7. (1) If, after considering any objections or suggestions which may have been made in respect to the draft on or before the specified date, the ¹[State] Government is of opinion that the application should be granted, with or without modification, or subject or not to any restriction or condition, it may make an order accordingly.

(2) Every order authorising the construction of an aerial ropeway shall be published in the Official Gazette, and such publication shall be conclusive proof that the order has been made as required by this section.

Cessation of powers given by on order.

8. If a promoter authorized by an order to construct an aerial ropeway does not within the time specified in the order,—

- (a) succeed in raising the full amount of capital required for the completion of the aerial ropeway;
- (b) make, in the opinion of the ¹[State] Government, substantial progress with the construction of the aerial ropeway; or
- (c) complete the construction thereof;

the powers given to the promoter by such order shall, unless the ¹[State] Government prolongs the time so specified, cease to be exercised.

Further order.

9. (1) The ¹[State] Government ²[* * * *] may, on the application of the promoter, revoke, amend, or extend the order by a further order.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²The words "in its discretion" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) An application for a further order shall be made in the same manner, and subject to the same conditions, as an application for an order.

(3) If the ¹[State] Government grants the application it shall make the further order in the same manner as an order, except that the rights, powers and authorities asked for in the said application shall not be increased, modified or restricted by the further order without the consent in writing of the promoter.

10. (1) No aerial ropeway shall be opened for any kind of traffic until the ¹[State] Government has by order sanctioned the opening thereof for that purpose. The sanction of the ¹[State] Government under this section shall not be given until an Inspector has reported in writing to the ¹[State] Government—

Inspection of
aerial ropeways
before opening.

- (a) that he has made a careful inspection of the aerial ropeway and appurtenances;
- (b) that the moving and fixed dimensions and other conditions prescribed under the order have been complied with;
- (c) that the aerial ropeway is sufficiently equipped for the traffic for which it is intended;
- (d) that the bye-laws and working rules prescribed by sections 27 and 32 have been duly made, approved, and promulgated in the manner prescribed in those sections; and
- (e) that in his opinion the aerial ropeway is fit for public traffic and can be used without danger to the public using it, or to the person employed thereon, or to the general public.

(2) The provisions of sub-section (1) shall extend to the opening of additional sections of the aerial ropeway, to deviation lines, and to any alteration or reconstruction materially affecting the structural character of any work to which the provisions of subsection (1) apply or are extended by this subsection.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Appointment of
Inspector.

11. (1) The ¹[State] Government may appoint Inspectors of aerial ropeways and may fix the fees to be charged to promoters for the performance by Inspectors of their duties under this Act.

(2) It shall be the duty of such Inspectors from time to time to inspect aerial ropeways and to determine whether they are maintained in a fit condition and worked with due regard to the convenience and safety of the public, and consistently with the provisions of this Act.

Powers of Ins-
pector.

12. An Inspector shall, for the purpose of any of the duties which he is authorized or required to perform under this Act, be deemed to be a public servant, as defined in the Indian Penal Code, and shall for that purpose have such powers as may be prescribed by the ^{XLV of 1860.} ¹[State] Government under clause (a) of subsection (2) of section 32.

Facilities to be
afforded to Ins-
pector.

13. The promoter and his servants and agents shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act or by rules made thereunder.

CONSTRUCTION AND MAINTENANCE OF AERIAL ROPEWAYS.

Authority of
promoter to exe-
cute all works.

14. (1) Subject to the provisions of, and to the rules made under, this Act, and, in the case of immovable property not belonging to the promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, a promoter may—

- (a) make such survey as he thinks necessary;
- (b) place and maintain posts in or upon any immoveable property;
- (c) suspend and maintain a rope over, along or across any immoveable property;
- (d) make such bridges, culverts, drains embankments and roads as may be necessary;
- (e) erect and construct such machinery, offices, stations, warehouses and other buildings, works, and conveniences as may be necessary; and

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- (f) do all other acts necessary for constructing, maintaining, altering, repairing and using the aerial ropeway;

Provided that a promoter may take any action under clause (b) or clause (c) of this sub-section, notwithstanding the objection of the owner or occupier of the property affected thereby, if the Collector, after giving such owner and occupier by notice in writing an opportunity of being heard, by an order in writing permits such action.

(2) When making an order under the proviso to sub-section (1) the Collector shall fix the amount of compensation, or of annual rent, or of both, which should, in his opinion, be paid by the promoter to the owner of the property affected thereby, or, in the case of immovable property, to the owner or occupier thereof, or any person interested therein and the amount to be paid to each.

15. (1) Subject to the rules made under this Act a promoter or his duly authorized servant or agent may at any time for the purpose of examining, repairing, or altering an aerial ropeway, or of preventing any accident, enter upon any immoveable property adjoining such aerial ropeway and may do all such works as may be necessary for such purposes.

Temporary entry upon land for repairing or preventing accident.

(2) In the exercise of the powers conferred by sub-section (1) the promoter or his duly authorized servant or agent, as the case may be, shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and in the case of any dispute as to the amount of such compensation, the matter shall be referred to the decision of the Collector.

16. (1) Where any tree standing or lying near an aerial ropeway, or where any structure or other object which has been placed or has fallen near an aerial ropeway subsequent to the issue of an order under section 7 in regard to such aerial ropeway, interrupts or interferes with, or is likely to interrupt or interfere with the construction, maintenance, alteration, or use of the aerial ropeway, the collector may, on the application of the promoter, cause the tree, structure or

Removal of obstructions.

object to be removed or otherwise dealt with as he thinks fit. For the purpose of this subsection the expression "tree" shall be deemed to include any shrub, hedge, jungle growth or other plant.

(2) When disposing of an application under subsection (1) the Collector shall award to the person interested such compensation, as the Collector deems reasonable, and the Collector may recover such amount from the promoter as if it were an arrear of land-revenue.

Orders of Collector subject to revision by State Government.

17. No suit shall lie, in respect of any matter referred to in the proviso to subsection (1) of section 14, in subsection (2) of section 14, section 15, or in subsection (1) of section 16, but every order made by a Collector under any of those sections, and every award made by him under subsection (2) of section 16, shall be subject to revision by the ¹[State] Government except in the case of an award of compensation made by the Collector on account of action taken under clause (c) of subsection (1) of section 14, which award shall be subject to revision by the District Judge.

WORKING OF AERIAL ROPEWAYS.

Promoter may fix rates.

18. The promoter shall, for the purposes of working an aerial ropeway, and subject to such maximum ~~and minimum rates as may be prescribed or ordered~~, have power from time to time to fix the rates for the carriage of passengers, animals or goods on the aerial ropeway.

Duty of promoter to work aerial ropeway without partiality.

19. No promoter shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic in any respect whatsoever, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Reporting of accidents.

20. When any of the following accidents occur in the course of working an aerial ropeway, namely:—

- (a) any accident attended with loss of human life or serious physical injury to any human being, or with serious injury to property ;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(b) any accident of a description usually attended with loss of human life or with serious physical injury as aforesaid, or with serious injury to property;

(c) any accident of any other description which the ¹[State] Government may specify in this behalf by notification in the Official Gazette;

the promoter shall without unnecessary delay, send notice of the accident to the ¹[State] Government and to the Inspector; and the promoter's servant in charge of the station on the aerial ropeway nearest to the place at which the accident occurred, or where there is no station, the promoter's servant in charge of the section of the aerial ropeway on which the accident occurred, shall, with the least possible delay, give notice of the accident to the Magistrate of the District in which the accident occurred and to the officer in charge of the police station within the local limits of which it occurred or to such other Magistrate and police officer as the ¹[State] Government may appoint in this behalf, and shall also, if the accident is attended with loss of human life or serious physical injury to any human being, send information to the nearest dispensary.

21. (1) If after inspecting any aerial ropeway opened to public traffic, an Inspector is of opinion that the aerial ropeway or any specified part thereof cannot be used without danger to the public or is no longer in a fit state for the carriage of any specified class of traffic, he shall state that opinion, together with the grounds therefor to the ¹[State] Government and the ¹[State] Government, after such further enquiry, if any, as it may think fit, may thereupon order that, for reasons to be set forth in the order, the aerial ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of traffic:

Power to close
and reopen
aerial ropeways

Provided that, in any case of extreme urgency, the Inspector may order the suspension of the working of

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

the aerial ropeway or any part thereof which he considers necessary pending the orders of the ¹[State] Government.

(2) When under sub-section (1) an aerial ropeway or any part thereof has been closed to any traffic, it shall not be reopened to such traffic until it has been inspected and its reopening sanctioned, in the prescribed manner.

DISCONTINUANCE OF AERIAL ROPEWAYS.

Cessation of powers of promoter on discontinuance of aerial ropeway.

22. If, at any time after the opening of an aerial ropeway, it is proved to the satisfaction of the ¹[State] Government that the promoter has discontinued the working of the aerial ropeway or of any part thereof, without a reason sufficient, in the opinion of the ¹[State] Government, to warrant such discontinuance, the ¹[State] Government may, if it thinks fit, declare by notification in the Official Gazette, that the powers of the promoter in respect of such aerial ropeway or part thereof shall, from such date as it may determine, be at an end; and thereupon the said powers shall cease and determine.

Explanation. The working of an aerial ropeway shall be deemed to have been discontinued if it has ceased for the period determined in the order published under section 7, or, if the period has not been so determined, for a period of three months.

Power of State Government to remove aerial ropeway on cessation of promoter's powers.

23. (1) When a declaration has been made by the ¹[State] Government under section 22 in respect of any aerial ropeway or of any part thereof, an officer appointed in that behalf by the ¹[State] Government may, at any time after the expiration of two months from the date determined as aforesaid, remove such aerial ropeway or part thereof, as the case may be; and the promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him.

(2) If the promoter fails to pay the amount of costs so certified within one month after the delivery

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

to him of the certificate or of a copy thereof, such officer may, either by public auction or private sale, and without any previous notice to the promoter, and without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the aerial ropeway, or part thereof so removed; and may, out of the proceeds of the sale, pay and reimburse to himself the amount of costs certified as aforesaid and the costs of the sale, and shall pay over the residue (if any) of such proceeds to the promoter.

PURCHASE OF AERIAL ROPEWAYS.

24. (1) Where the promoter is the ¹[State] Government the ¹[State] Government may at any time transfer the undertaking or any part thereof to— Powers of State Government and local authorities to purchase aerial rope-ways.

(a) a local authority or local authorities under terms and conditions approved of by, and with the consent of, such authority or authorities;

(b) to any other person under such terms and conditions as may be mutually agreed upon between the ¹[State] Government and the transferee.

(2) Where the promoter is not the ¹[State] Government the ¹[State] Government may—

(a) within such limits of time and upon such terms and conditions as may be specified in this behalf in the order, or

(b) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(c) within two months after the publication of a notification under section 22, or within six months after the publication of a notification under section 26,

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

by notice in writing require the promoter to sell to the ¹[State] Government or to a local authority the aerial ropeway or a part thereof, and thereupon the promoter shall sell the same upon the terms specified in the order, or if the terms were not specified in the order, then upon the terms of receiving the then value of the aerial ropeway or of the part thereof. The then value of the aerial ropeway shall be deemed to be twenty-five times the amount of the average yearly net earnings derived by the promoter from the aerial ropeway or part thereof, during the three years immediately preceding the date of sale:

Provided that if the terms were not specified in the order published under section 7 the total amount so payable to the promoter shall not exceed by more than twenty per cent the total capital expenditure of the promoter on the aerial ropeway, or part thereof.

(3) A requisition shall not be made under subsection (2) requiring the promoter to sell to the local authority unless the making thereof has been approved by the local authority.

(4) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 22 or section 26, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authorities to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the aerial ropeway had been constructed by it under an order made under this Act.

(5) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

(6) Where a purchase has been effected under subsection (1) or subsection (5)—

(a) the undertaking shall vest in the purchasers free from any debts, mortgages or similar

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

obligations of the promoter or attaching to the undertaking;

Provided that any such debts, mortgages or similar obligations shall attach to the purchase money in substitution for the undertaking; and

(b) save as aforesaid, the order published under section 7 shall remain in full force, and the purchaser shall be deemed to be the promoter:

Provided that where the ¹[State] Government elects to purchase, the order under section 7 shall, after purchase, in so far as the ¹[State] Government is concerned, cease to have any further operation.

(7) Not less than two years' notice in writing of any election to purchase under clause (a) or clause (b) of subsection (2) of this section shall be served upon the promoter by the ¹[State] Government or the local authority, as the case may be.

(8) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the ¹[State] Government waive its option to purchase and enter into an agreement with the promoter for the working by him of the undertaking until the expiration of the next subsequent period mentioned in the order or referred to in clause (b) of subsection (2), upon such terms and conditions as may be stated in the agreement.

25. Where, on the expiration of any of the periods referred to in section 24, neither the ¹[State] Government nor a local authority purchases the undertaking, and the order published under section 7 is, on the application or with the consent of the promoter revoked, the promoter shall have the option of disposing of all

Power of promoter to sell when option to purchase not exercised and order revoked by consent.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

lands, buildings, works, materials, plants and apparatus belonging to the undertaking in such manner as he may think fit.

INABILITY OR INSOLVENCY OF PROMOTER.

Proceedings in case of inability or insolvency of promoter.

26. (1) If, at any time after the opening of an aerial ropeway, it appears to the ¹[State] Government that the promoter is insolvent or is unable to maintain the aerial ropeway or to work the same with advantage to the public, or at all, the ¹[State] Government may, after considering any statement which the promoter may desire to make, and after such enquiry as it deems necessary, declare by notification in the Official Gazette that the powers of the promoter, in respect of such aerial ropeway, shall, at the expiration of six months from the date of such declaration, be at an end, and thereupon the said powers shall at the expiration of that period, cease and determine.

(2) At any time after the expiration of the said six months an officer appointed by the ¹[State] Government in that behalf, may remove the aerial ropeway in the same manner and subject to the same provisions as to the payment of costs and to the same remedy for the recovery thereof in every respect as in cases of removal under section 23.

BYE-LAWS.

Power of promoter to make bye-laws.

27. (1) A promoter shall, subject to the provisions of subsection (3) make bye-laws consistent with this Act—

- (a) for regulating the speed at which carriers are to be moved or propelled;
- (b) for declaring what shall be deemed to be dangerous or offensive goods and for regulating the carriage of such goods;
- (c) for regulating the maximum number of passengers and animals and the maximum weight of goods to be carried in each carrier;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- (d) for regulating the use of steam power or any other mechanical power or electrical power on the aerial ropeway;
- (e) for regulating the conduct of the promoter's servants;
- (f) for regulating the terms and conditions on which the promoter will warehouse or retain goods at any station on behalf of the consignee or owner of such goods; and
- (g) generally for regulating the travelling upon and the use, working and management of the aerial ropeway.

(2) Such bye-laws may provide that any person who contravenes the provisions of any of them shall be liable to fine which may extend to any sum not exceeding fifty rupees and that, in the case of a breach of a bye-law made under clause (c) of subsection (1) the promoter's servant responsible for the same shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the promoter from his pay.

(3) A bye-law made under this section shall not take effect until it has been confirmed by the ¹[State] Government and published in the Official Gazette:

Provided that no such bye-law shall be so confirmed until it has been previously published by the promoter in such manner as may be prescribed.

SUPPLEMENTARY PROVISIONS.

28. A promoter shall in respect of the aerial ropeway submit to the ¹[State] Government ^{Returns.} returns of capital and revenue, expenditure, receipts, and traffic, at such intervals and in such forms as may be prescribed.

29. No promoter shall, in the course of the construction, repair, working or management of an aerial ropeway, cause any permanent injury to any public ^{Protection of roads, railways, tramways and waterways.} road, railway, tramway, or waterway, or obstruct or

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

interfere with, otherwise than temporarily as may be necessary, the traffic on any public road, railway, tramway or waterway.

Acquisition of land on behalf of a promoter.

30. The ¹[State] Government may, if it thinks fit, subject to the provisions of this Act, on the application of any promoter desirous of obtaining any land for the purpose of constructing, extending, working, or managing an aerial ropeway, acquire on his behalf such land under the provisions of Part VII of the Land Acquisition Act, 1894, whether the said promoter is or is not a company as defined in the Land Acquisition ^{of} 1894. Act.

Notification of claims to refund of over-charges and compensation for losses.

31. No person shall be entitled to a refund of an over-charge in respect of animals or goods carried by an aerial ropeway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the promoter within six months from the date of the delivery of the animals or goods for carriage by the aerial ropeway.

RULES BY THE ¹[STATE] GOVERNMENT.

Power of State Government to make rules.

32. (1) The ¹[State] Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the powers and duties of an Inspector appointed under section 11 ;
- (b) the accidents of which notice shall be given to the ¹[State] Government and to the Inspector ;
- (c) the duties of the promoter's servants and of police officers, and magistrates, on the occurrence of an accident ;
- (d) the maximum and minimum rate for various classes of goods which a promoter may fix under section 18 ;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- (e) the standard dimensions and specifications to which the aerial ropeway is to conform ;
- (f) the manner of previous publication of bye-laws made under section 27 ;
- (g) the intervals at which a promoter shall submit returns under section 28 and the forms in which such returns shall be submitted ;
- (h) the manner in which notices under this Act shall be served ;
- (i) the manner in which and the conditions under which the through booking of goods may be permitted between an aerial ropeway, and railway, tramway or another aerial ropeway ;
- (j) the safe and efficient working of aerial ropeways ;
- (k) the conditions under which and the manner in which the powers conferred on promoters by section 14 and section 15 may be exercised ;
- (l) the procedure for the disposal of applications under sub-section (2) of section 21 to reopen an aerial ropeway or part thereof and the conditions under which such aerial ropeway, may be reopened ;
- (m) the preparation, submission and auditing of the accounts of the promoter ;
- (n) the method of arbitration for the settlement of disputes ;
- (o) the fees to be charged to promoters and other persons in respect of licenses, applications, enquiries, inspections and services rendered under this Act ; and
- (p) the procedure for making, hearing and disposing of applications under this Act.

(3) All rules made under this section shall be published in the Official Gazette.

OFFENCES, PENALTIES AND ARRESTS.

Failure of promoter to comply with Act.

33. If a promoter—

- (a) constructs or maintains an aerial ropeway otherwise than in accordance with the terms of an order made under section 7; or
- (b) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 10; or
- (c) fails to comply with the provisions of section 13; or
- (d) fails to pay within a reasonable time any compensation awarded by a Collector under sections 14, 15, 16 or by the ¹[State] Government or a District Judge under section 17; or
- (e) contravenes any of the provisions of section 19; or
- (f) fails to send notice of any accident as required by section 20; or
- (g) fails to close an aerial ropeway in accordance with an order passed under subsection (1) of section 21 or reopens any aerial ropeway in contravention of sub-section (2) of that section; or
- (h) continues to exercise the powers of a promoter in respect of any aerial ropeway in contravention of the provisions of section 22 or section 26;
- (i) fails to comply with provisions of section 27 or section 28; or
- (j) contravenes any of the provisions of section 29; or
- (k) contravenes the provisions of any rule made under section 32;

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act, or of any other remedy which may be obtained

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

against him) be punished with fine which may extend to two hundred rupees, and, in the case of a continuing offence, to a further fine which may extend to fifty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

34. If a person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs or impedes any servant of a promoter in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Unlawfully obstructing promoter's servant in discharge of his duty.

35. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things namely:—

Unlawfully interfering with aerial ropeway.

- (a) interferes with, removes or alters any part of an aerial ropeway or of the works connected therewith;
- (b) does anything in such manner as to obstruct any carrier travelling on an aerial ropeway ;
- (c) attempts to do or abets, within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (a) or clause (b) ;

he shall without prejudice to any other remedy which may be obtained against him in a Civil Court, be punishable with fine which may extend to two hundred rupees.

36. If any person does anything mentioned in clause (a), clause (b) or clause (c) of section 35 or does, attempts to do, or abets within the meaning of the Indian Penal Code, the doing of any other act or thing in relation to an aerial ropeway with intent, or with knowledge that he is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall be punishable with imprisonment for a term which may extend to fourteen years.

Punishments for acts or attempts tending to endanger safety of persons travelling or being upon aerial ropeways.

XLV
of
1860.

XLV
of
1860.

Arrest for
offence against
certain sections
and procedure
thereupon

37. (1) If any person commits any offence under section 34 or section 35 which obstructs the working of an aerial ropeway or commits any offence punishable with imprisonment under section 36 he may be arrested without warrant or other written authority by any servant of the promoter or by any police officer, or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or to commit him for trial.

THE PUNJAB WILD BIRDS AND WILD ANIMALS PROTECTION ACT, 1933.

PUNJAB ACT, II OF 1933.

[Received the assent of His Excellency the Governor on the 10th March, 1933, and that of His Excellency the Viceroy and Governor-General on the 12th April, 1933, and was first published in the Punjab Gazette of the 21st April, 1933.]

AN ACT TO MAKE BETTER PROVISION FOR THE PROTECTION AND PRESERVATION OF CERTAIN WILD BIRDS AND WILD ANIMALS IN ²[PUNJAB].

Preamble.

WHEREAS it is expedient to make better provision for the production and preservation of certain wild birds and wild animals in ²[Punjab], and whereas the previous sanction of the Governor-General has been obtained under section 80-A of the Government of India Act, it is hereby enacted as follows:—

Short
extent
and
commencement.

1. (i) This Act may be called the Punjab Wild Birds and Wild Animals Protection Act, 1933.

¹For Statement of Objects and Reasons, see *Punjab Gazette*, 1932, Extraordinary, page 134, for Report of the Select Committee, see *Punjab Gazette*, 1932, Part V, pages 47-48 and for Proceedings in the Council, see *Punjab Legislative Council Debates*, Volume XXIII, pages 63-83.

²Substituted for Adaptation of Laws (Third Amendment) Order, 1951, for "East Punjab", which had been substituted for "the Punjab," by A. O., 1948 (G. G. O. of 1948).

(ii) It extends to ¹[Punjab].

(iii) It shall come into force on such ²date as the ³[State] Government may, by notification, appoint in this behalf.

(iv) The Wild Birds and Wild Animals Protection Act, 1912, is in its application to Punjab, hereby repealed.

2. This Act shall, subject to the provisions herein-^{Application of} after appearing, apply to all wild birds and wild animals whether in their wild state or in captivity.

3. In this Act, unless there is anything repug-^{Definitions.} nant in the subject or context,—

(i) "Animal" means an animal which suckles its young;

(ii) "Licence" means a licence granted under this Act;

(iii) The expression "wild bird or wild animal" shall be deemed to include the flesh thereof and, in the case of a wild bird, the eggs thereof.

4. It shall not be lawful to kill or to capture, or to ^{Closing time.} possess, whether dead or alive, or to buy or to sell or to offer for sale any wild bird or wild animal, except in the manner and to the extent hereinafter provided:—

(i) The wild birds or wild animals specified in schedule I may be killed, captured, possessed, bought, sold or offered for sale throughout the year.

(ii) The wild birds or wild animals specified in schedule II—

(a) may be killed, captured, possessed, bought, sold or offered for sale during the period specified in the said schedule under a licence, and in the manner and to the extent provided thereby:

Provided that no licence shall be necessary for shooting such wild birds and wild animals during the period specified in the said schedule;

(b) may be bought or possessed without a licence during the period specified in the

¹Substituted by A. O., 1950, for "East Punjab" which had been substituted for "the Punjab" by A. O., 1948 (G. G. O. of 1948).

²15th September, 1934—Punjab Government notification No. 25155, dated 4th September, 1934.

³Substituted by A. O., 1950, for "Provincial".

said schedule for purposes of consumption, provided they have been obtained from a licensee or have been shot.

(iii) The wild birds or wild animals specified in schedule III—

(a) may be killed, captured, possessed, brought, sold or offered for sale during the period specified in the said schedule under a licence, and in the manner and to the extent provided thereby;

(b) may be bought or possessed without a licence during the period specified in the said schedule for purposes of consumption, provided that they have been obtained from a licensee.

(iv) The wild birds or wild animals specified in schedule IV may be possessed throughout the year as pets or for use as decoys in the manner and to the extent specified in the said schedule:

Provided that nothing in this section shall be deemed to prohibit—

- (a) the possession of the eggs of any birds by a *bona fide* collector; or
- (b) the possession by any person of skins, antlers, horns or other trophies; or
- (c) the possession by any person of the off-spring of any wild bird or wild animal which is bred in captivity, subject to the limits specified in schedule IV:

Provided further, that any person who holds a licence issued under the Indian Arms Act, 1878, and rules thereunder, for purposes of sport, or who is exempt from the provisions of that Act, shall be entitled to purchase a licence under this Act from any Government treasury or sub-treasury, stamp vendor, or any such other person or place as may be prescribed by rules made under this Act.

5. Any person in possession of any wild bird or wild animal specified in schedules II and III shall, if required so to do by a person authorised in this behalf, produce his licence within fifteen days.

Person in possession of any wild bird or wild animal to produce his licence when required.

6. The ¹[State] Government may, by notification which may apply either to the whole or to any parts of its territories—

Power to add to or exclude from schedules.

(i)—

(a) add to schedules I and IV,

(b) add to or exclude from schedules II and III, any wild bird or wild animal subject to such conditions as it may impose in each case;

(ii) alter the period during which any wild bird or wild animal specified in schedules II and III may be killed or captured;

(iii) alter the number of wild birds or wild animals specified in column 5 of schedule IV which may be kept as pets or for use as decoys.

7. Where the ¹[State] Government is of opinion that such a course is desirable in the interest of scientific research, or for the better protection or preservation of crops or other property, it may grant to any person a licence subject to such restrictions or conditions as it may impose, entitling the holder thereof to do any act which is by this Act declared to be unlawful.

Power to grant exemption.

8. The ¹[State] Government may, by notification, declare any area which is ²[vested in ³[the State Government]] and subject to the consent of the owner and to

Power to declare any area to be a sanctuary for wild birds and wild animals.

¹Substituted for the word "Provincial" by A. O., 1950.

²Substituted by A. O., 1937, for the words "the property of Government".

³Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for the words "His Majesty for the purposes of the Province".

such conditions as may be determined by mutual agreement, any area which is private property, to be a sanctuary for wild birds or wild animals, or both, and it shall be unlawful for any person to kill or capture, any wild birds or wild animals, as the case may be, within such area at any time,

Penalties.

9. (i) Whoever commits a breach of the provisions of this Act or of any rule made thereunder, shall be punishable with fine which may extend to fifty rupees or in default with imprisonment of either description which may extend to one month.

(ii) Whoever, having already been convicted of an offence under this Act or any rule made thereunder, is again convicted thereunder, shall, on every subsequent conviction, be punishable with fine which may extend to five hundred rupees or in default with imprisonment of either description which may extend to three months, and shall, in addition to the punishment provided for the offence, be liable to confiscation of the licence.

On conviction of any person for an offence under this Act the convicting Magistrate may, in addition to any other penalty imposed, order any net, trap or snare, used in the commission of such offence, to be destroyed or to be sold and converted into money and the proceeds thereof forfeited.

Jurisdiction inferior to that of a Magistrate of the second class excluded.

10. No court inferior to that of a Magistrate of the second class shall try any offence under this Act.

Persons who may lodge complaints.

11. No court shall take cognizance of any offence under this Act, except on the complaint of a police officer not below the rank of Sub-Inspector or of any other person or class of persons authorized by ¹[the ²[State] Government] in this behalf.

¹Substituted by A. O., 1937, for "Government".

²Substituted by A.O. 1950 for "Provincial".

12. Nothing in this Act shall be deemed to apply Savings.
to—

- (i) the killing or capture in good faith of any wild bird or wild animal by any person in defence of himself or of any other person or of property;
- (ii) the capture, sale, or purchase or possession for scientific or public purposes of any wild bird or wild animal by, or on behalf of, the authorities administering public zoological gardens.

13. (i) The ¹[State] Government may, after pre-Power to make
vious publication, make rules for the purpose of carrying^{rules.}
into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, the ¹[State] Government may make rules for all or any of the following purposes, namely:—

- (a) to prescribe the form in which, and the terms and conditions under which, a licence may be granted;
- (b) to prescribe the fees to be charged for any licence;
- (c) to provide for the confiscation of any wild bird or wild animal killed, captured, bought, sold or offered for sale in contravention of the provisions of this Act;
- (d) to prescribe the person or class of persons who may make complaint of offences under this Act or may require the production of a licence under section 5;
- (e) to prescribe in the case of any species of wild bird or wild animal the numbers and sex that may be killed, captured or possessed under a licence.

¹Substituted by A. O., 1950, for "Provincial". The word "Provincial" had been substituted for "Local" by A. O., 1937.

SCHEDULE 1.

Schedule of wild birds and wild animals which are excluded from protection under Section 4 of the Act.

1	2	3	4
Serial No.	Scientific name	English name	Vernacular name
		BIRDS	
1	<i>Corvus levaillanti</i>	The Himalayan Jungle Crow	Kowa, kawwa, kan, pahari kowa
2	<i>Corvus splendens</i>	The House Crow	Kan, kowa, desi kan.
3	<i>Phalacrocorax carpo</i>	The Indian Large Cormorant	Pan kowa, jalkan.
4	<i>Phalacrocorax fuscicollis</i>	The Indian Shag	Jalkan, ghoghar.
5	<i>Phalacrocorax niger</i>	The Little Cormorant	Jograti, nikka j alkan
6	<i>Anhinga melanogaster</i>	The Indian Darter, or Snake Bird	Jalkani, bunwa.
7	<i>Psittacula eupatria</i>	The Large Indian Paroquet	} Tota, raitota.
8	<i>Psittacula krameri</i>	The Rose-ringed Paroquet	
9	<i>Psittacula cyanocephala</i>	The Western Blossom-headed Paroquet	Libbar tota, tuiya.
10	<i>Tsittacula himalayana</i>	The Himalyan Slaty-headed Paroquet	Tula tota, pahari tuiyan.

11	Coturnix coturnix	..	The Common Quail	..	} Bater, bara bater, gagas bater, khair bater, china bater.
12	Coturnix coromandelica	..	The Black-breasted or Rain Quail	..	
12-A	Excalfactoria chinensis	..	The Blue-breasted quail	..	Bater, Bara Bater, Khaira, Bater, China Bater.
13	Grus	..	The Eastern crane	..	Kunj, kulang, murunch.
14	Anser anser	..	The Grey Lag Goose	..	Sona, kurria, sona hans, hans raj, mug.
15	Anser alvifrons	..	The White-fronted Goose	}	Hans raj mug, chittach, mug.
16	„ erythropus	..	The Dwarf or Lesser White-fronted Goose		
17	„ brachyrhynchus	..	The Pink-footed Goose	..	..
18	„ indicus	..	The Bare-headed Goose	..	Hans, karey hans, raj hans, mug birwa.
19	„ Branta ruficollis	..	The Red-breasted Goose	..	Male .. Female
20	Astur gentilis Schedowi	..	The Eastern Gos-hawk	..	Baz .. Zoora.
21	Astur badius	..	The Shikra or Brown Hawk	..	Shikra .. Chepuk.
22	Accipiter nirus	..	The Sparrow-hawk	..	Basha .. Bashin.
23	Accipiter virgatus	..	The Besra Sparrow-hawk	..	Besra .. Dhooti.
24	Falco peregrinus	..	The Peregrine Falcon	..	Bhairi .. Bhairi butcha.
25	Falco peregrinus peregrinator	..	The Indian Peregrine Falcon	..	Koohi .. Kohela.

N. B.—The capture of Hawks and Falcons in the Kangra District, including Kulu, is governed by the Forest Act and the Rules thereunder.

¹Inserted by Punjab Government notification No. 25156, dated 4th September, 1934.

²Items 19-A to 19-K (added by Punjab Government Notification No. 25156, dated 4th September, 1934) renumbered as items 20 to 30, by Punjab Government notification No. 1001-Agr, dated 7th March, 1945.

SCHEDULE I—CONTINUED

1	2	3	4
Serial No.	Scientific name	English name	Vernacular name
		BIRDS—CONTD.	
26	<i>Falco peregrinus babylonicus</i> ..	The Red-capped Falcon ..	Male Female
27	<i>Falco jugger</i> ..	The Laggar Falcon ..	Luggur .. Juggur.
28	<i>Falco cherrug</i> ..	The Saker Falcon or cherrug ..	Cherrug .. Chergela
29	<i>Falco columbarius insignis</i> ..	The Asiatic Merlin ..	Rethul .. Regi
30	<i>Falco chiquera chiquera</i> ..	The Red-headed Merlin ..	Thurumti .. Thurumts
¹ 31	<i>Caprimulgus Europaeus unwini</i> ..	Himalayan Night Jar ..	Chippak, Chappa, Dabehiri, Dabbak, Andha Chirya.
32	<i>Caprimulgus macrourus albonotus</i> ..	Indian long tailed Night Jar ..	..
33	<i>Caprimulgus inducus</i> ..	Indian Jungle Night Jar ..	..
34	<i>Caprimulgus asiaticus</i> ..	Common Indian Night Jar ..	..
35	<i>Lynocornis cariniceps</i> ..	Great eared Night Jar ..	..
36	<i>Haliaetus Leucoryphus</i> ..	Pallas fishing eagle ..	Kurl.

¹It was 31 to 37 added by Punjab Government notification No. 1001-Agr, dated 7th March, 1945.

37	Ichthyophaga humilis plumbeus	..	Himalayan grey headed fishing eagle	..	Kurl.
ANIMALS					
38	Felis pardus	..	The Leopard or Panther	..	Begh, berag, golbagh, chitra, purra, unagh, mirg.
39	Felis bengalensis	..	The Leopard Cat		
40	„ ernata	..	The Indian Desert Cat	..	{ Chitta billa, chenang, banbilla, jungli billi, bagar billa.
41	„ chaus	..	The Jungle Cat	..	
42	„ caracal	..	The Caracal	..	
43	„ lynx	..	The Lynx	..	{ Siyah gosh, ekb, patsalan, tsogda.
44	„ Viverra zibetha	..	The Large Indian Civet	..	
45	„ Paradoxurus gray		The Himalayan Palm Civet	..	{ Khatas, kastura, moosbkbilla, bausokar.
46	Herpestes auropunctatus	..	The Small Indian Mongoose	..	
47	Herpestes mungo	..	The Common Indian Mongoose	..	
48	Herpestes smithi	..	The Ruddy Mongoose	..	{ Neol, nyul, naola, dhor.
49	Canis lupus	..	The Wolf	..	
50	Canis pallipes	..	The Indian Wolf	..	{ Gurg, bhagyar, bheriya.
51	Canis aureus	..	The Jackal	..	
				..	Giddar, siyal, phival.

SCHEDULE I—CONCLUDED

1	2	3	4
Serial No.	Scientific name	English name	Vernacular name
ANIMALS—CONCLD.			
			Male Female
52	Cyon dukhensis	.. The Indian Wild Dog	.. Sonkutta, ramkutta, bunkutta, janglikutta, bhaosa, bhunsa.
53	Mustela flavigula	.. The Indian Marten or Pine Marten	.. Chitralla, turala, shikra, dhinkloo.
54	Lutra vulgaris	.. The Common Otter	.. Ud, udbilao, ludhar.
55	Ursus torquatus	.. The Himalayan Black Bear	.. Bhalu, kala bhalu, richh.
56	Sus eristatus	.. The Indian Wild Boar	.. Suar, budh.
57	Boselaphus tragocamelus	.. Nilgai or Blue Bull	.. Nilgao, nilgai, lilgai, bangai, raujb, gond, ¹ ba in
58	Macacus rhesus	.. The Bengal Monkey	.. Bandar.
59	Hyaena striata	.. The Hyena	.. Tarkh.
60	Pteropus medius	.. The Indian Fruit Bat	.. Badur, barbagul, chumgidda, ultakao manis.
61	Hystrix bucura	.. The Indian Porcupine	.. Syal, sahi, kundewalli.
62	Sclurius Indicus	.. The Squirrel	.. Galehra.
63	Mus (whole family)	.. Rats and mice	.. Chuha, chuhi.

¹Subject in the Kangra District to the rules published in Punjab Government notification No. 1392-S. (Forests), dated the 5th of September, 1916.

SCHEDULE II.

Schedule of Wild Birds and Wild Animals which under section 4 (ii) of the Act may be killed or captured under a licence and to the extent permitted thereby during the period specified in column 5 subject to the proviso that they may be shot without a licence during the said period.

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Period
BIRDS				
ANATIDAE				
1	Cygnus cygnus	.. The Whooper (Swan) ..	..	} 1st September to 31st March.
2	„ bewicki	.. Bewick's Swan ..	..
3	„ minor	.. Alpheraky's Swan ..	..
4	„ olor	.. The Mute Swan ..	..
1 { 5 to 33				

¹Items 5 to 33 omitted from Schedule II and added as items 60 to 88 in Schedule III by Punjab Government notification No. 10443-C, dated 28th November, 1938.

SCHEDULE III.

Schedule of Wild Birds and Wild Animals which may be killed or captured under a licence and to the extent permitted thereby during the period specified in column 5

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Period
BIRDS				
COLUMBIDAE				
1	Crocopus phoenicopterus	The Green Pigeon	Kandel, harrial, kokla, latta, nilsir, guggu, Guya.	15th September to 15th March.
2	Sphenocercus sphenurus	The wedge-ailed Green Pigeon		
3	Columba livia	The Blue Rock Pigeon	Kabutar	
4	Columba rupestris	The Blue Hill Pigeon		
5	Columba oenas	The Eastern Stock Pigeon or Dove	Salara, kabutar, kamar kular.	
6	Columba leuconota	The White-bellied or Snow Pigeon	Bhusli, bujul, bhujri, rapia, charan luku	

7	Dendrotreron hodgsonii	..	The Speckled Wood-Pigeon	..	Kamlowa, Chittal, Kabutar	..	} 15th September, to 15th March
17-A	Streptopelia Orientalis		Rufous, Turtle Dove	..	Kamlowa, Chittal, Kabutar, Laber		
8	Columba palumbus	..	The Eastern Wood-Pigeon or Ring Dove		Dand, kabutar		
9	Streptopelia chinensia	..	The Indian Spotted Dove	..	Ghuggi, fakhta, tottru, chhota fakhta.		
10	Streptopelia decaocto	..	The Indian Ring Dove	..	Ghuggu, fakhta, ghaggi, panduk, geyrra.		
PTEROCLIDAL							
11	Pterocles orientalis	..	The Large Imperia or Black-bellied Sandgrouse		} Bhattitar, bakht, bakhtitar, bhatta, bhalhar siah sina, bhotitar, dukru, mindru, chhota	15th September to 1st April.	
12	„ indicus	..	The Painted Sandgrouse	..			15th September to 1st March.
13	„ coronatus	..	The Coronetted Sandgrouse	..			} 15th September to 1st April.
14	„ alchata	..	The Large Pin-tailed Sandgrouse		bhattitar chhittidar, bhattider, churar.		
15	„ extustus	..	The Common Indian Sandgrouse		} Kuk, kaling, korunda, kung.		
16	Surrhaptas tibetanus	..	The Tibetan Sandgrouse	..			
17	Pavocristatus	..	The Common Peafowl	..	Mor, Manjhr, bodar	..	} 15th September to 1st March.
18	Gallus bankiva	..	The Common Red Junglifowl..		Jungli murghi, ban kukar, kukar		

¹Inserted by Punjab Government notification No. 9801-G, dated 15th November, 1938.

SCHEDULE III—CONTINUED

WILD BIRDS AND WILD ANIMALS PROTECTION [1933: Pb. Act II.

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Period

BIRDS—CONTD

PHASIANIDAE

19	Catreus wallichii	.. The Chir Pheasant ..	Chir, chihir, chaman, chair ..	1st October to 15th March.
20	Cereornis macrolophus	.. The Pukras or Koklas Pheasant ..	Koklas, khwakta, phokras, plachh, khwakah.	
21	Gennaesus hamiltoni	.. The White-crested Kalij ..	Kolsa, kalij, kalesha ..	
22	Lophophorus impejanus	.. The Impeyan Pheasant or Monal ..	Monal, karrari, nil, bod, narel, neroala, nilwal.	
23	Tragopan melanocephalus	.. The Western Horned Pheasant ..	Phulgar, jaji, jijurara, jowar ..	15th September to 15th March
24	Deleted			
25	Perdicula asiatica	.. The Bush Quail ..	Lowa, lawa, batol, batoli, choonuk	
26	Arborophila torqueola	.. The Hill Partidge ..	Piora, Pemra ,pahari titar, ban titar	

PHASIANIDAE—concl'd						
27	<i>Alectoris gracca</i>	..	The Chukar or Chikor	..	Chukor, chukra, chakur, khonk, kaunk, kakh, charu	} 15th September to 1st March.
28	<i>Ammoperdix griseogularis</i>	..	The Secsee Partridge	..	Sisi, sasi, sussi, kakki, chaukla	
29	<i>Francolinus francolinus</i>	..	The Black Partridge	..	Kala titar, koddi titar	1st November to 1st March.
30	<i>Francolinus pondicerianus</i>	..	The Grey Partridge	..	Titar, tittur, bagga titar, paila	1st November to 1st March.
31	<i>Tetraogallus himalayensis</i>	..	The Himalyan Snow Cock	..	Golind, golaund, lip lipya	} 1st October to 15th March.
32	„ <i>tibetanus</i>	..	The Tibetan Snow Cock	..	Golind Golaund, gourkagu	
33	<i>Lerwa lerwa</i>	..	The Snow Partridge	..	Ram chakru, ram chukor, tillu, dhedu chakru	
TURNICIDAE						
34	<i>Turnix dussumieri</i>	..	The little Button Quail	..	} Lawa, chhota lawa	15th September to 1st March.
35	„ <i>maculatus</i>	..	The Indian Button Quail	..		
RALLIDAE						
36	<i>Porphyrio Poliocephalus</i>		The Indian Purple Moorhen	..	Kaim, kalim, khima	} 15th September to 15th March.
37	<i>Fulica atra atra</i>	..	The Common Coot	..	Khuskal, dasari, the kari, kali murghabi	
MEGALORNITHIDAE						
38	<i>Anth ropoides virgo</i>	..	The Demoiselle Crane	..	Karkarru chhota kunj	

¹Entry 24, deleted by Punjab Government notification No. 25156, dated 4th September, 1934.

SCHEDULE III—CONTINUED

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Period
BIRDS—contd				
OTIDIDAE				
39	Otis tarda ..	The Great Bustard ..	Khalmor, tugdar, gurain, tilur, bara tugdar	} 15th September to 15th March.
40	Tetrax tetrax ..	The Little Bustard ..	Chhota tilur, karwanak ..	
41	Choriotis nigriceps ..	The Great Indian Bustard ..	Khalmor tugdar gurain, tilur	
42	Chlamydotis undulata ..	The Honbara or Macqueen's Bustard	Houbara, tilur, khermora, karwanak	
43	Sypheotides indica ..	The Lesser Florican or Likh ..	Likh, chhota charat, karwanak ..	
BURHINIDAE				
44	Burhinus oedienemus ..	The Stone Plover ..	} Lambi karwanak, basiri, abi	} 15th September to 15th March.
45	Esacus recurvirostris ..	The Great Stone Plover ..		
46	Cursorius coromandelicus ..	The Indian Courser ..	} Nukri	
47	„ cursor ..	The Eastern cream-coloured Courser		
CHARADRIDAE				
48	Vanellus vanellus ..	The Lawping pee-wit or Green Plover	} Bodhur	} 15th September to 15th March.
49	Pluvialis dominicus ..	The Eastern Golden Plover ..		
50	„ apricarius ..	The Golden Plover ..		
51	Numenius arquata ..	The Curlew ..		
52	Scolopax rusticola ..	The Woodcock ..	Simkukri, jalakri, julkukri, sum-kukri	

53	Capella nemoricola	..	The Wood Snipe	..	Burra chaha, sumkukri chaha, jalakri	} 15th September to 1st April.
54	„ solitaria	..	The Eastern Solitary Snipe			
55	„ gallinago	..	The Common or Fantail Snipe			
56	„ stenura	..	The Pin-tail Snipe	..	Chaha, jalakri	
57	„ metia	..	The Great Snipe	..		
58	Lymnocyptes minima	..	The jack Snipe	..	Chota chaha	
ROSTRATULIDAE						
59	Rostratula bengatensis	..	The Painted Snipe	..	Rangila chaha, chabarcha	} 15th September to 1st April.
60	Tadorna tadorna	..	The Sheldrake	..	Safed chakwa, shah chakwa, safed surkhab	
61	Casarca ferruginea	..	The Ruddy Sheldrake or		Surkhab, chakwa, chakwi, Lal	} 1st September to 31st March.
62	Anas platyrhynchos	..	Brahminy Duck	..	surkhab	
63	Eunetta falcata	..	The Mallard	..	Nilsir, nilrugi, murghabai	
64	Chaulelasmus streperus	..	The Crested or Falcated Teal	..		
65	Mareca penelope	..	The Gadwall	..	Mila, bhuar, beykhur, murghabi	
66	Nettion formosum	..	The Wigeon	..	Peasan, pattari, chhota lal sir, mrughabi.	} 1st September to 31st March.
67	Nettion crecca	..	The Barkal or Clucking Teal	..	Chhota murghbi kerra putari, souchuruka, murghabi	
68	Dafila acuta	..	The Common Teal	..		
		..	The Pintail	..	Sanh, sink-pair, murghabi	

SCHEDULE III—CONTINUED

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Period
		BIRDS—CONCLUDED		
69	<i>Querquedula querquedula</i>	The Garganey or Blue winged Teal	Chaitwa khira, putari, murghabi	1st September to 31st March.
	<i>Spatula clypeata</i> ..	The Shoveller ..	Tidari, Punana, takarwala, ghira, murghabi	
71	<i>Marmaronetta angustirostris</i>	The Marbled Teal ..	..
72	<i>Netta rufina</i> ..	The Red-crested Pochard ..	Lal sir, murghabi	
73	<i>Nyroca ferina</i> ..	The Pochard or Sun Bird ..	Lal sir, burarnar, murghabi ..	
74	<i>Nyroca rufa</i>	The White-eyed Pochard or White-eye.	Karchiya, burar mada lalbigri, murghabi	
75	<i>Nyroca marila</i> ..	The Scaup ..	..
76	<i>Nyroca fuligula</i> ..	The Tufted Pochard ..	Dubaru, abtak, rohwar, murghabi	
77	<i>Glaucionetta clangula</i> ..	The Golden Eye ..	..
78	<i>Erismatura leucocephala</i> ..	The White-headed or Stiff-tailed Duck	..	
79	<i>Mergellus albellus</i>	The Smew	

80	Mergus merganser	..	The Goosander	} 1st September to 31st March.
81	Mergus serrator	..	The Red-breasted Merganser	..	..
82	Sarkidiornis melanotus	..	The Nukta or Comb Duck	..	Nukta murghabi	
83	Asarcornis scutulatus	..	The White-winged Wood Duck	..	..
84	Rhodonessa caryo phyllacea	..	The pink-headed Duck	..	Lol sira, gulah sira, murghabi	
85	Nettapus coromandelianus	..	The Cotton Teal	..	Giri, girria, girya, murghabi	
86	Dendrocygna javanica	..	The Lesser Whistling Teal	..	Sili, silahi, murghabi	
87	Dendrocygna fulva	..	The Large Whistling Teal	..	Bara silahi, murghabi	
88	Anas poecilorhyncha	..	The Indian Spothil or Grey Duck	..	Garmpai, gugral, bata, bataak humjur, murghabi	

ANIMALS

189	Ovis vignei	..	Urial	..	Uriyal, huryial, sha, koh-i-dumba, koch, gad, garand	} 15th October to 31st August, subject to the rules published with Punjab Government notification No. 18639 (Forests), dated the 18th of August, 1919.
90	Ovis hodgsoni (misnamed Ovis Ammon)	..	The Great Tibetan Sheep	..	Nian	
91	Ovis nahura	..	Bharal, or blue Sheep	..	Miatu, bharal, bhard, warr	
92	Capra sibirica	..	The Himalayan Ibex	..	Trangol, katrol, tangrol, skin	

¹Items 60 to 81, numbered as items 89 to 109, by Punjab Government notification No. 10443-C, dated the 28th November 1938.

SCHEDULE III—CONCLUDED

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Period
ANIMALS—CONCLUDED				
93	<i>Hemitragus jemlaicus</i> ..	Thar ..	Tahr, thiar, meshi, mehi, sabi, karth, korth, kart	Only in accordance with the rules published with Punjab Government notification No. 1392-S. (Forests), dated the 5th of September, 1916.
94	<i>Nemorhaedus bubalinus</i> ..	Serow, or Himalayan Goat, Antelope.	Goa, yamu, emru, aimu, sarao, jangal	
95	<i>Cemes goral</i> ..	Goral ..	Pij,ba n-bakri, ghorrur, gurrur, ghoral, ghurral, gudh, sar.	
96	<i>Pantholops hodgsoni</i>	Tibetan Antelope ..	Tsus, chus, chiru, chuhu ..	
97	<i>Maschus moschiferas</i> ..	The musk Deer ..	Kastura, raunsa, bina, bijri, rochh, raonwi ranwhin	
98	<i>Antelope crevicapra</i> ..	Indian Antelope or Black Buck ..	Hiran, haran, kala hiran, mirg, modhin, kalhra	15th April to 15th January.
99	<i>Cervulus muntjac</i> ..	The Barking Deer ..	Kakar or kakkar	1Males only, 1st April to 31st December
100	<i>Cervus axis</i> ..	The Spotted Deer ..	Chital, chittal, chitra, jhank, pagal hiran, charba hiran,	11st January to 15th September.
101	<i>Cervus porcinus</i> ..	The Hog Deer ..	Para, pahra, parha ..	115th November to 15th August.

102	<i>Tetracerus quadricornis</i>	..	Four-horned Antelope	..	Chausingla, chauha, deda	..	Males only, 15th October to 31st March.
103	<i>Gazelle bennetti</i>	..	Indian Gazellis or Ravine Deer		Chinkara, chikara, kalpunch ark, ahu ratta, gora hiran, chitka hiran, Chhatika		Males only, 15th September to 31st March.
104	<i>Cervus unicolor</i>	..	The Sambhar	..	Sambar, samar, sambhar, barasingh		1st January to 15th December.
105	<i>Lepus ruficadantus</i>	..	The Common Indian Hare	..	Khargosh, seru, pharru, susya, sassu, usa, sasa, seha, saiyah, sahu.		15th September to 31st March.
106	„ <i>dayanus</i>	..	The Sind Hare	..	Ditto	..	Ditto
107	„ <i>hypsibius</i>	..	The Upland Hare	..	Ditto		Ditto
108	<i>Equus hemionus</i>	..	The Wild Ass	..	Gor-khar, ghur, ghuran, jungli khota		Ditto
109	<i>Ursus arctus</i>	..	The red Bear, or Snow Bear	..	Bhraboo, lagru, ratta bhalu, rate bhalu, bhrud, shaham, lal bhalu, lal richh.		Only in accordance with the rules published with Punjab Government notification No. 1392-S.(Forests), dated the 5th of September, 1916.
110	<i>Felis Tigris</i>	..	The Tiger	..	Sher, Bara Bagh (Sherni, Baghni, females)		..

¹Added by Punjab Government notification No. 25156, dated the 4th September, 1934

SCHEDULE IV

Schedule of Wild Birds and Wild Animals which may be kept in captivity as *bona fide* pets or calls
birds up to the limit specified in column 5 of the Schedule

1	2	3	4	5
Serial No.	Scientific name	English name	Vernacular name	Limit
1	Ploceinae ..	The Weaver Birds (all kinds)	Baya, Bijra, etc. ..	Up to a limit of ten of each species.
2	Viduinae ..	Munias (of all kinds) ..	Lalmunia, Charchana, churuka etc.	
3	All birds and animals included in schedule I	..	..	Without limit.
4	Columbalivia ..	The Blue Rock Pigeon ..	Kabutar ..	Without limit.
5	All other wild birds and wild animals	Up to a limit of five of each species.

THE PUNJAB AGRICULTURAL PRODUCE MARKETS
ACT, 1939

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**¹THE PUNJAB AGRICULTURAL PRODUCE
MARKETS ACT, 1939**

PUNJAB ACT NO. V OF 1939.

[Received the assent of His Excellency the Governor on the 28th April, 1939,, and was first published in the Punjab Government Gazette, Extraordinary, of the 1st May, 1939.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by the legislation
1939 ..	V	The Punjab Agricultural Produce Markets Act, 1939	Amended by Punjab Act IX of 1941 ² Amended by Punjab Act X of 1944 ³ Amended by the Indian Independence (Adaptation of Bengal and Punjab) (Acts) Order, 1948, (G.G.O. 40) Amended by the Adaptation of Laws Order, 1950 Amended by the Adaptation of Laws (Third Amendment) Order, 1951

¹For Statement of Objects and Reasons, see *Punjab Gazette* (Extraordinary), 1938, pages 98-99; for Report of the Select Committee see *Punjab Gazette*, 1938, Part V, pages 201-223; and for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, Volume V, pages 783-814, Volume VI, pages 224-234, 292-327, 335-391, 436-449, 555-582, 622-658, 687-771, Volume VII, pages 57-71, 124-162, 212-263, 282-327, 384-394, 463-500, 565-611, 658-691, 720-780, 859-905.

²For Statement of Objects and Reasons, see *Punjab Gazette* (Extraordinary), 1941, page 73; and for Proceedings in Assembly, see *Punjab Legislative Assembly Debates*, Volume XVII, pages 501, 559-609, 617-664 and 668-689.

³For Statement of Objects and Reasons, see *Punjab Gazette* (Extraordinary), 1944, page 346; and for Proceedings in Assembly, see *Punjab Legislative Assembly Debates*, Volume XXIII, pages 46, 258-261, 323-325, 364-369 and 392-394.

An Act to provide for the better regulation of the Purchase and sale of agricultural produce and the establishment of markets for agricultural produce in ¹[Punjab].

WHEREAS it is expedient to provide for the better re- Preamble.
gulation of the purchase and sale of agricultural produce
in ¹[Punjab] and for that purpose to establish markets and
make rules for their proper administration, in the manner
hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Punjab Agricul- Short title
tural Produce Markets Act, 1939. and extent.

(2) It extends to ²Punjab.

2. In this Act, unless there is anything repugnant Definitions.
in the subject or context,—

(a) “Agricultural Produce” means harvested cotton, wheat, barley, rice, oilseeds, maize, gram, sugarcane (gur and shaker) or any other crop which may hereafter be declared by notification to be agricultural produce for the purpose of this Act.

³[(aa) “Dealer” means any person who within the notified market area sets up, establishes or continues or allows to be continued any place for the purchase or sale of the agricultural produce notified under subsection (1) of section 4 or purchases or sells, such agricultural produce.]

(b) “The Government” means the Government of Punjab.

(c) “Grower” means a person who grows agricultural produce personally, through tenants or otherwise but shall not include a grower who

¹Substituted for the words “East Punjab” by the Adaptation of Laws (Third Amendment) Order, 1951. [The words “East Punjab” had been substituted for the words “the Punjab” by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948.]

²Substituted by Adaptation of Laws Order, 1950, for “East Punjab”.

³Inserted by Punjab Act, IX of 1941, section 8.

works as a dealer or a broker or who is a partner of a firm of dealers or brokers or is otherwise engaged in the business of disposal or storage of agricultural produce. If a question arises as to whether any person is a grower or not for the purposes of this Act, the decision of the ¹[Deputy Commissioner] of the district in which the notified area is situated shall be final.

- (d) "Market" means a building, block of buildings, enclosure or other area which may be so notified in accordance with the rules made under this Act.
- (e) "Notified market area" means any area notified under section 4.
- (f) "Prescribed" means prescribed by rules or by-laws made under this Act.
- (g) "Trade allowance" includes such allowances as have the sanction of custom in the notified area concerned.

Notification of intention of exercising control over purchase and sale of agricultural produce in specified area.

3. The Government may, by notification, declare their intention of exercising control over the purchase and sale of such agricultural produce and in such area as may be specified in the notification. Such notifications shall state that any objections or suggestions which may be received by the Government within a period to be specified in the notification, will be considered;

Provided that such period shall not be less than one month.

Declaration of notified area.

4. (1) After the expiry of the period specified in the notification under section 3 and after considering such objections and suggestions as may be received before the expiry of the specified period, the Government may, by notification and in any other manner that may be prescribed, declare the area notified under section 3 or any portion thereof to be a notified market area for the purposes of this Act in respect of the agricultural produce notified under section 3 or any part thereof.

¹Substituted for the word "Collector" by Punjab Act, IX of 1941, section 2.

(2) After the date of issue of such notification and from such later date as may be specified therein, no person unless exempted by rules framed under this Act shall ¹[either for himself or on behalf of another person, or of the ²[Government]] within the notified market area set up, establish or continue or allow to be continued any place for the purchase and sale of the agricultural produce so notified, or purchase or sell such agricultural produce except under a licence granted in accordance with the provisions of this Act, the rules and by-laws made thereunder and the conditions specified in the licence:

Provided that a licence shall not be required by a grower who sells himself or through a *bona fide* agent his own agricultural produce or the agricultural produce of his tenants on their behalf or by a person who purchases any agricultural produce for his private use.

5. The Government shall by rules made under this Act specify the authority to whom an application may be made for the grant of a licence.

Authority to whom applications for grant of licences are to be made.

6. (1) Any person may apply to the authority specified for a licence which shall be granted for such period, in such form, on such conditions and on payment of such fees not exceeding Rs. 10 as may be prescribed:

Applications for licences, fees to be paid and cancellation or suspension of licences.

³[Provided that if any person carrying on any business of the nature specified in subsection (2) of section 4 in a notified market area on the 15th day of April, 1941, fails to apply for a licence on or before the 1st day of September, 1941, the licensing authority may refuse to grant him a licence until after the expiry of such period not exceeding three years as it may think fit:

Provided further that Government may in their discretion issue a licence to such person and may before issuing such licence impose such penalty not exceeding two thousand rupees as they may think fit:

¹Inserted by Punjab Act, X of 1944, section 2.

²Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

³Inserted by Punjab Act, IX of 1941, section 3 (a).

Provided further that the aforesaid provisos shall not come into force until ¹notified by the Government in the Gazette.]

(2) The Government may, or an officer not below the rank of a gazetted officer specially empowered in this behalf may, on being satisfied that there has been a breach of any of the conditions specified in a licence, by an order in writing, cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding five months for a first breach and not exceeding nine months for a second breach as may be specified in that order: provided that no such order shall be passed without giving the licensee an opportunity to show cause why such an order should not be passed.

²[(3) Any person aggrieved by an order passed under this section, not being an order of Government, may at any time within one month of the passing thereof, appeal to the Commissioner against such order.]

Establishment of
market com-
mittee.

7. The Government shall by notification establish a market committee for every notified market area.

Constitution of
the committee.

³[8. (1) A market committee shall consist of nine or sixteen members as Government may in each case determine.

(2) Of these members one may be appointed by Government from amongst the salaried servants of the ⁴[Government] by virtue of his office.

(3) The remaining members shall be appointed by Government, out of a panel of names equal to twice the number of vacancies to be filled, in the manner provided hereunder, that is to say,—

(a) if the committee is to consist of nine members, there shall be appointed—

(i) five members from growers of the district;

¹The provisos came into force on May 23, 1941, when the assent of His Excellency the Governor was first published in the Gazette, at page 464.

²Inserted by Punjab Act, IX of 1941, section 3(b).

³Substituted for the old section by Punjab Act, IX of 1941, section 4.

⁴Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

- (ii) three members from persons carrying on any business or occupation of the nature specified in sections 4 and 9, of whom one, but not more, shall be a person carrying on the occupation of a weighman, measurer or surveyor;
- (b) if the committee is to consist of sixteen members, there shall be appointed—
 - (i) nine members from growers of the district; and
 - (ii) six members from persons carrying on any business or occupation of the nature specified in sections 4 and 9, of whom one, but not more, shall be a person carrying on the occupation of weighman, measurer or surveyor;

(4) A panel of the names of growers shall be selected as prescribed and submitted by the non-official members of the local District Board, and a panel of the names of persons licensed under sections 6 and 9 shall be submitted by persons licensed as brokers, warehousemen and dealers, to such person and in such manner as may be prescribed:

Provided that—

- (a) where there are no persons licensed under section 9, the requisite number of names of persons carrying on the occupations specified in the said section shall be submitted by persons licensed under section 6 in such manner as may be prescribed; and
- (b) persons whose names are included in the panel of growers shall be growers with in the tahsil in which the notified market area is situate or within the notified market area if that area is larger than a tahsil and at least half of such names shall be of those persons who are not members of the District Board.

(5) If within the period prescribed in this behalf either the non-official members of the District Board or the persons licensed as brokers, warehousemen, and dealers fail to submit a panel as required by subsection (4) or submit an incomplete panel, Government may appoint the required number of members of the committee of their own motion without such panel.

(6) Whenever any member appointed either out of a panel referred to in subsection (4), or in default of such panel dies, resigns, ceases to reside in the ¹[State] or becomes incapable of acting as a member of the committee, Government in their discretion, may, on the submission of another panel in default of such panel, appoint another person to be a member in his stead.

(7) No act done by the committee shall be called into question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the committee.]

Duties of the committee.

9. (1) It shall be the duty of the market committee to enforce the provisions of this Act and the rules and by-laws made thereunder in the notified market area and, when so required by the Government, to establish a market therein providing such facilities for persons visiting it in connection with the purchase, sale, storage, weighing, pressing and processing of agricultural produce concerned as the Government may from time to time direct.

(2) Subject to such rules as the Government may make in this behalf, it shall be the duty of market committee to issue licences to brokers, weighmen, measurers, surveyors and warehousemen for carrying on their occupation in that market area in respect of agricultural produce as defined in this Act and to renew, suspend or cancel such licences.

(3) No brokers, weighmen, measurer, surveyor or warehousemen shall unless duly authorised by licence,

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

carry on his occupation in a notified market area in respect of agricultural produce as defined in this Act.

10. Subject to the provisions of section 13, every member shall hold office for a period of three years from the date of his appointment ^{Period of office of members.} and if, when such period expires, no person has been appointed to succeed him, such member shall, unless the Government otherwise directs, continue to hold office until his successor is appointed.

11. The Government may at any time during the period of his office remove by notification any member if such member has, in its opinion, been guilty of misconduct or neglect of duty: provided that before the Government notifies the removal of a member under this section, the reasons for his proposed removal shall be communicated to the member concerned and he shall be given an opportunity of tendering an explanation in writing. ^{Removal of members.}

12. Every market committee shall elect from among its members a chairman and a vice-chairman. ^{Election of chairman and vice-chairman.}

13. If through death, resignation, retirement, transfer or removal in accordance with the provisions of section 11 any vacancy occurs, Government may appoint a member to fill such vacancy in accordance with the provisions of section 8 : ^{Filling of vacancies.}

Provided that the term of office of the members so appointed shall expire on the same date as the term of office of the vacating member would have expired had the latter held office for the full period allowed under section 10 ²[unless there be delay in appointing a new member to succeed the member first mentioned above, in which case it shall expire on the date on which his successor is appointed by Government.]

14. Every market committee shall be a body corporate by such name as the Government may specify in the notification establishing it, shall have perpetual succession and a common seal, may sue and be sued in its corporate ^{Incorporation of committee.}

¹Added by Punjab Act, X of 1944, section 3, and deemed to have been added from the commencement of the principal Act.

²Added by *ibid*, Section 4; and deemed to have been added from the commencement of Principal Act.

name, and shall subject to the provisions of section 24, be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established:

Provided that no committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting specially convened for the purpose by a majority of not less than three-fourths of the members of the committee.

Sub-committee
and joint com-
mittees and dele-
gation
powers.

15. The market committee may appoint two or more of its members to be a sub-committee for the conduct of any work or to report on any matter, and may delegate to any two or more of its members and withdraw from them such of its powers or duties and in such manner as may be prescribed.

Appointment
and salaries of
officers and ser-
vants of market
committee.

16. (1) Subject to such rules as may be made by the Government in this behalf, a market committee may employ such persons as may be necessary for the management of the market, may pay such persons such salaries as it may think fit and shall have power to control and punish them. The committee may also, in such manner as may be prescribed, provide for payment to its employees of such leave allowances, gratuities or compassionate allowances as it deems proper; and may contribute to any provident fund which may be established for the benefit of such employees.

(2) The committee shall, in the case of any Government servant whom it employs, pay to Government such contribution towards the pension and leave allowances of such servant as may be payable under any regulations in force.

Persons who are
to be deemed
public servants
within the mean-
ing of section 21
of the Indian
Penal Code.

17. Every person employed by the market committee under the provisions of section 16 and every member

¹Added by Punjab Act, X of 1944, section 4, and deemed to have been added from the commencement of the principal Act.

of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

18. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman or, if for any reason he is unable to act, by the vice-chairman and two other members of the committee and shall be sealed with the common seal of the committee. Execution contracts. of

(2) No contract other than a contract executed as provided in subsection (1) shall be binding on a market committee.

19. The market committee may, subject to such rules as may be made by Government in this behalf, levy fees on the agricultural produce bought or sold by licensees in the notified area and Government shall make rules specifying the maximum rates of the said fees: Levy of fees.

¹[Provided that—

(a) no fee shall be leviable in respect of any transactions in which delivery of the agricultural produce bought or sold is not actually made; and

(b) a fee shall be leviable only on the parties to a transaction in which delivery is actually made.]

20. (1) All moneys received by a market committee shall be paid into a fund to be called the "Market Committee Fund". All expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested in such manner as may be prescribed by rules. Market Committee Fund.

(2) (a) Every market committee shall, out of its fund, pay to the Government the cost of any special or additional staff employed by the Government in consultation with the committee for giving effect to provisions of this Act in the notified market area.

¹Added by Punjab Act, IX of 1941, section 5.

(b) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more market committees than one, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

Purposes for
which the fund
may be expend-
ed.

21. Subject to the provisions of section 20 the market committee fund shall be expended for the following purposes only:—

- (i) the acquisition of a site or sites for the market;
- (ii) the maintenance and improvement of the market;
- (iii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;
- (iv) the provision and maintenance of standard weights and measures;
- (v) the pay, leave allowances, gratuities, compassionate allowances and contributions towards leave allowances or provident fund of the persons employed by the market committee;
- (vi) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;
- (vii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural produce concerned and propaganda in favour of agricultural improvement and thrift;
- (viii) providing comforts and facilities, such as shelter, shade, parking accommodation and water for the persons, draught cattle and pack animals coming to the market, and similar other purposes;
- (ix) the expenses incurred in auditing the accounts of the committee;

- (x) with the previous sanction of the Government, any other purpose which is calculated to promote the general interest of the market; and
- (xi) for the payment of travelling allowance to the members of the market committee as prescribed.

22. No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received in a notified market area by any person in any transaction in respect of the agricultural produce concerned and no Civil Court shall, in any suit or proceeding arising out of any such transaction, recognize any trade allowance not so prescribed.

23. (1) No suit shall be instituted against any market committee or any member, or employee thereof or any person acting under the direction of any such committee, member, or employee for anything done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a committee, delivered or left at its office, and in the case of any such member, employee or person as aforesaid, delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered, or left.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the cause of action.

24. (1) The market committee may, with the previous sanction of the Government raise the money required for carrying on the purposes for which it is established on the security of any property vested in and belonging to the market committee and of any fees leviable by the market committee under this Act.

(2) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government on such conditions, and subject to such rules as may be prescribed.

Supersession of
market com-
mittee.

25. (1) If, in the opinion of the Government a market committee is incompetent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or abuses its powers, the Government may, by notification, supersede such committee :

Provided that before issuing a notification under this subsection the Government shall give a reasonable opportunity to the market committee for showing cause against the proposed supersession and shall consider the explanations and objections, if any, of the market committee.

(2) Upon the publication of a notification under subsection (1) superseding a market committee, the following consequences shall ensue:—

- (a) all the members including the chairman and vice-chairman of the market committee shall, as from the date of such publication, be deemed to have ceased to be members of the committee;
- (b) all assets of the committee shall vest in ¹[the Government] and the ²[Government] shall be liable for all the legal liabilities of the committee subsisting at the date of its supersession up to the limit of the said assets;
- (c) the Government may, at their discretion, by order constitute either a new committee as provided under section 7 or such other authority for the carrying out of the functions of the committee, as the Government may deem fit.

(3) (a) When the Government have made an order under clause (c) of subsection (2), the assets and liabilities defined in subsection (2) (b) vesting in the Government at the date of such order shall be deemed to have been transferred on the date of such order to the new committee or authority constituted as aforesaid.

(b) (i) Where the Government by order under paragraph (c) of subsection (2) of section 25 have appointed

¹Substituted for the words "His Majesty for the purposes of the Province" by the Adaptation of Laws (Third Amendment) Order, 1951.

²Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

an authority other than a new committee for the carrying out of the functions of the superseded committee the Government may by notification determine the period for which such authority shall act. Such period shall not be longer than three years:

Provided that the term of office of such authority may be terminated earlier if the Government for any reason consider it necessary.

(ii) At the expiry of the term of office of such authority, a new committee shall be constituted.

(iii) Upon such an order being made the assets and liabilities vesting in the authority thereby superseded, shall be deemed to have been transferred by such order to the new committee.

(4) Whenever the assets of a committee vest in the Government and no new committee or authority is appointed in its place, the Government shall employ the balance of the assets remaining after the discharge of the subsisting legal liabilities of the said committee for any object of public utility in the area specified in the notification issued under section 3.

¹[25-A. (1) If at any time Government are satisfied that a situation has arisen in which the purposes of this Act cannot be carried out in accordance with the provisions thereof, Government may by notification—

Emergency powers.

(a) declare that the functions of the market committee shall, to such extent as may be specified in the notification, be exercised by Government or such person or persons as they may direct;

(b) assume to themselves all or any of the powers vested in or exerciseable by any market committee;

and such notification may contain such incidental and consequential provisions as may appear to Government to be necessary or desirable for giving effect to the objects of the notification.

¹Added by Punjab Act, IX of 1941, section 7.

²Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) A notification under this section, shall be laid by Government before the ¹[State] Legislative Assembly and shall cease to operate at the expiration of six months :

Provided that, if and so often as a resolution approving the continuance in force of such a notification is passed by the said Assembly, the notification shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate, but no such notification shall in any case remain in force for more than three years.]

Penalties.

26. (1) Whoever contravenes the provisions of section 4 shall, on conviction, be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing contravention, with a fine which in addition to such fine as aforesaid, may extend to thirty rupees for every day after the date of first conviction during which the contravention is continued.

(2) Whoever contravenes the provisions of subsection (3) of section 9, shall, on conviction, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing contravention with a fine which, in addition to such fine as aforesaid, may extend to two rupees for every day after the date of first conviction during which the contravention is continued.

(3) Whoever contravenes the provisions of section 22 shall, on conviction, be punishable with fine which may extend to one hundred rupees.

Rules.

27. (1) The Government may, either generally or specially for any notified market area or areas, make rules consistent with this Act for carrying out all or any of the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (i) the appointment of members of a market committee;
- (ii) the powers to be exercised and the duties to be performed by the market committee;

¹Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

- (iii) the election of the chairman and vice-chairman of such committee, their powers and term of office;
- (iv) the filling of casual vacancies in the office of members or in the office of chairman or vice-chairman of the market committee;
- (v) the time, place and manner in which a contract between buyer and seller is to be entered into and the money is to be paid to the seller;
- (vi) generally, for the guidance of the market committee;
- (vii) management of the market, maximum fees which may be levied by the market committee in respect of the agricultural produce bought or sold by licensees in the notified market area, and the recovery and disposal of such fees;
- (viii) the issue by a market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen, the form in which, and the conditions under which, such licences shall be issued or renewed, and the fees, if any, to be charged therefor;
- (ix) the place or places at which the agricultural produce shall be weighed, the kind and description of the scales, weights and measures which alone may be used in transactions in agricultural produce in a notified market area;
- (x) the inspection, verification, regulation, correction, and confiscation of scales, weights and measures in use in a notified market area;
- (xi) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a notified market area;
- (xii) the provision of facilities for the settlement by arbitration or otherwise of any dispute between a buyer and a seller of agricultural produce or their agents including disputes regarding the quality or weight of the article, the

price or rate to be paid, allowances for wrappings, dirt, or impurities or deductions for any cause;

- (xiii) the prohibition of brokers from acting in the same transaction on behalf of both the buyer and the seller of agricultural produce;
- (xiv) the provision of accommodation for storing any agricultural produce brought into the market;
- (xv) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;
- (xvi) the form in which the accounts of a market committee shall be kept, the audit and publication of such accounts, and the charges, if any, to be made for such audit;
- ¹[(xvi-a) the management and regulation of Provident Funds which may be established by a market committee for the benefit of its employees];
- (xvii) the preparation and submission for sanction of an annual budget and the reports and returns to be furnished by a market committee;
- (xviii) the investment and disposal of the surplus funds of a market committee;
- (xix) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market;
- (xx) determining the scale of fees payable for the issue or renewal of a licence and for prescribing the form of a licence and the conditions under which a licence shall be issued;

¹Inserted by Punjab Act, X of 1944, section 5.

- (xxi) fixing the maximum annual fees which may be levied by the market committee in respect of licences granted to traders under section 4 and on the agricultural produce bought or sold by them in the notified area and the recovery of such fees;
- (xxii) exemption of persons or classes of persons from the obligation of obtaining licences under section 4;
- (xxiii) specifying the authority to which applications for obtaining licences shall be made;
- (xxiv) the realization or disposal of fees recoverable under this Act or under any rules or by-laws made under this Act;
- (xxv) the travelling expenses that may be paid to the members of market committee;
- (xxvi) the settlement of any question as to whether any person is a grower or not;
- (xxvii) the appointment of members of a marketing committee, and
- (xxviii) the submission of a panel by person licensed under section 4.

(3) Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to five hundred rupees.

(4) (a) The power to make rules conferred by this section is subject to the condition of rules being made after previous publication.

(b) All such rules shall be laid on the table of the Legislative Assembly for one month previous to the next session thereof and shall, subject to the provisions of section 21 of the Punjab General Clauses Act, be liable to be rescinded or modified by a motion of the said Assembly tabled at the next session.

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By-laws.

28. Subject to any rules made by the Government under section 27, the market committee may, in respect of the notified market area under its management, make by-laws for—

- (i) the regulation of business;
- (ii) the conditions of trading;
- (iii) the appointment and punishment of its employees;
- (iv) the payment of salaries, gratuities, and leave allowances to such employees [²* * *] and
- (v) the delegation of powers, duties, and functions of the sub-committee, if any, provided by section 15.

and may provide that contravention thereof shall be punishable on conviction, by a competent magistrate with a fine which may extend to fifty rupees.

No by-law shall take effect until it has been published for information, subsequently confirmed by Government and notified in the official gazette.

Trial of offences.

29. (1) No offence made punishable by this Act or any rule or by-law made thereunder shall be tried by a court inferior to that of a magistrate of the first class.

(2) Prosecutions under this Act may be instituted by any person duly authorised by a resolution of the market committee in this behalf.

(3) All fines received from an offender shall be credited to ³[State] revenues and grant equivalent to such fines shall be paid to the market committee.

Appeals.

30. In all cases in which power under section 6 has been exercised by a gazetted officer specially empowered in this behalf, an appeal shall lie to Government in the manner prescribed.

Recovery of sums due to Government from market committee.

31. All sums due from a market committee to the Government may be recovered in the same manner as arrears of land revenue.

¹Substituted for the word "Market" by Punjab Act, X of 1944, section 6 and deemed to have been substituted from the commencement of the principal Act.

²The words "and the contributions by them to any provident fund which may be established for the benefit of such employees", omitted by Punjab Act, X of 1944, section 6.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

THE EAST PUNJAB COTTON (STATISTICS) ACT,
1948.

CONTENTS

SECTIONS.

1. Short title, extent and commencement
2. Definitions
3. Delivery of yearly returns of Indian raw cotton
4. Right of access to record or document
5. Use of returns required under section 3 or information obtained under section 4
6. Restriction on the publication of returns and information
7. Penalties
8. Penalty for improper disclosure of information and return
9. Cognizance of an offence
10. Protection for acts done under this Act
11. Exemption
12. Power to make rules

THE EAST PUNJAB COTTON (STATISTICS) ACT,
1948**East Punjab Act No. XXIII of 1948.**

[Received the assent of His Excellency the Governor on the 10th April, 1948, and was first published in the *East Punjab Government Gazette (Extraordinary)* of the 12th April, 1948].

1	2	3	4
Year	No.	Short Title	Whether affected by later legislation
1948	XXIII	The East Punjab Cotton (Statistics,) Act, 1948	Adapted by :— The Adaptation of Laws Order, 1950. The Adaptation of Laws (Third Amendment) Order, 1951. Amended in part by Punjab Act XX of 1952 ²

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1948, page 277; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1948, Vol. II, pp. 945—47.

²For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1952, page 1186; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952.

An Act to facilitate the collection of statistics of stock of Indian raw cotton in the ¹[State].

WHEREAS it is expedient to facilitate the collection of statistics of stock of Indian raw cotton in the ¹[State]; it is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the East Punjab Cotton (Statistics) Act, 1948.

(2) It extends to the whole of ²[Punjab].

(3) It shall come into force on such date as the ³[State] Government may, by ⁴notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) 'Cotton' means Indian raw cotton including seed cotton, lint and fly ;

(2) 'Director' means the Director of Agriculture, ²[Punjab] and includes every officer who for the time being performs the duties of that office for the purposes of this Act, and is notified accordingly in the official Gazette.

(3) 'Indian Central Cotton Committee' means the Indian Central Cotton Committee constituted under Indian Cotton (Cess) Act, 1923 (XIV of 1923).

(4) 'Owner' means the owner of a cotton ginning factory or a cotton pressing factory and includes the managing agent or other principal officer of such factory ;

(5) 'prescribed date' means the thirty-first day of August in each year ;

(6) ⁵[State] means the ⁵[State] of ²[Punjab] ;

(7) 'trader' means the person carrying on the business of selling or purchasing cotton and includes a broker or a commission agent who makes contracts for the sale or purchase of cotton for others and stocks cotton on their behalf or any one holding stocks of cotton ;

¹Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for "Province".

²Substituted by Adaptation of Laws Order, 1950, for "East Punjab".

³Substituted by *ibid*, for "Provincial".

⁴See East Punjab Government notification No. 7472-D, dated 13th July, 1948.

⁵Substituted by Adaptation of Laws Order, 1950, for "Province".

(8) the expressions 'cotton ginning factory' and 'cotton pressing factory' shall have the meanings, respectively, assigned to them by the ¹Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).

3. (1) Every trader and every owner shall each year prepare and deliver or cause to be prepared and delivered to the Director a return, in the form prescribed by rules made under this Act, of the quantity of cotton of different varieties in his possession on the prescribed date.

Delivery of year-ly returns of Indian raw cotton.

(2) Every such trader or owner shall subscribe a declaration of the truth of the return at the foot thereof.

(3) Every such return shall be delivered or sent by post to the Director within seven days of the prescribed date.

4. The Director or any person authorised by him in writing in this behalf shall for the purpose of the collection of any statistics required under section 3 have access to any relevant record or document in the possession of any trader or owner and may enter at any reasonable time any premises wherein he believes such record or document to be and may ask any question necessary for obtaining any information required for the aforesaid purpose.

Right of access to record of document.

5. The Director may use the returns furnished under section 3 or the information obtained under section 4 for such purposes as he may deem fit and may in particular use such returns or information for the purpose of supplying any statistics required by the Indian Central Cotton Committee.

Use of returns required under section 3 or information obtained under section 4.

6. (1) No individual return made under section 3 and no part of such return and no information obtained under section 4 shall without the previous consent in writing of the trader or owner, as the case may be, by whom the return or information was furnished or given, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning factory or a cotton pressing factory or the business of any particular trader.

Restriction on the publication of returns and information.

¹See now the Punjab Cotton Ginning and Pressing Factories Act, 1955 (Pb. Act II of 1955) which repeals Act XII of 1925 in its application to Punjab.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860) no person not engaged in connection with the collection of statistics required under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

Penalties.

7. ¹[(1) If any person (a) wilfully refuses or without lawful excuse neglects to furnish the return required under section 3, or (b) wilfully furnishes or causes to be furnished any such return which he knows to be false, or (c) refuses to answer or wilfully gives a false answer to any question asked in exercise of the powers conferred by section 4, or if any person impedes the right of access to any relevant record or document or the right of entry conferred by section 4, he shall for each such offence be punishable with fine which may extend to rupees five hundred, and in the case of a continuing offence to a further fine which may extend to rupees two hundred for each day after the first during which the offence continues; and in respect of a false return or answer the offence shall be deemed to continue until the true return or answer has been given or made.]

¹[(2) If the person contravening any of the provisions of this Act, is a company or other body corporate, the Secretary, Manager or other principal officer managing the affairs of such company or body, as the case may be, shall be presumed to be guilty of such contravention.]

Penalty for improper disclosure of information and return.

8. If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860) he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both imprisonment and fine.

¹Section 7 renumbered as sub-section (1) and new sub-section (2) added by Punjab Act, XX of 1952.

9. No prosecution under section 7 shall be instituted except with the previous sanction in writing of the Director and no prosecution under section 8 shall be instituted except with the previous sanction in writing of the ^{Cognizance of} ^{offence.} ^{of} ^{the} ^{Government.}

10. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act. ^{Protection for} ^{Acts done under} ^{this Act.}

11. The ^[State] Government may, by general or special order, exempt any trader or class of traders from the operation of this Act. ^{Exceptions.}

12. (1) The ^[State] Government may subject to the condition of previous publication, make rules for carrying out the purposes of this Act. ^{Power to make} ^{rules.}

(2) Without prejudice to the generality of the foregoing powers, rules may be made under this section (a) prescribing the form of the return to be furnished under section 3; and (b) regulating the exercise of the right of access to documents and the right of entry conferred by section 4.

THE EAST PUNJAB ANIMAL CONTAGIOUS DISEASES ACT, 1948.

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3. Definitions
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7. Status of Veterinary Surgeons and Inspectors
8. Powers of Inspectors.

^{Substituted by Adaptation of Laws Order, 1950, for "Pro-}
^{vincial".}

SECTIONS.

CHAPTER II.—THE CONTROL OF DISEASE.

9. Power to regulate inter-provincial trade and to control transport of animals and things which may spread diseases
10. Power to control the holding of markets, fairs etc.
11. Power to control traffic in infective animals.
12. Cleansing and disinfection of vessels and vehicles
13. Duty of certain persons to report scheduled disease
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28. Penalties for contraventions of Acts, Regulations and Rules
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36. Jurisdiction of magistrates
37. Bar of claim to compensation
38. Power of State Government to make regulations and rules
39. Power to make regulations and rules subject to previous publication
40. Protection to persons acting under this Act.

APPENDIX I

Schedule of diseases referred to in Section 4 of Animal Contagious Diseases Act, 1948.

¹THE EAST PUNJAB ANIMAL CONTAGIOUS DISEASES ACT, 1948.

East Punjab Act No. XLVII of 1948.

[Received the assent of His Excellency the Governor of East Punjab on the 15th of November, 1948, and was first published for general information in the *Government Gazette, Extraordinary*, dated the 20th November, 1948.]

An Act to provide for the prevention and control of contagious diseases affecting animals.

WHEREAS it is expedient to provide for the prevention and control of contagious diseases affecting animals, it is hereby enacted as follows :—

CHAPTER I—PRELIMINARY.

1. (1) This Act may be called the East Punjab Animal Contagious Diseases Act, 1948. Short title, extent and commencement.

(2) It extends to the whole of the ²[State] of ³[Punjab].

(3) This section shall come into force at once and the ⁴[State] Government may by notification bring the rest of the Act or any part of it, into force in the ²[State] or in any area in the ²[State] on such date and for such period as may be specified in the notification.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1948, page 262, for Select Committee's Report, see *East Punjab Government Gazette*, 1948, Part V, pp.8—18; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1948, Vol. II, pp. 876 and 925—940, and Vol. III, pp. 204—206.

²Substituted by Adaptation of Laws Order, 1950, for "Province".

³Substituted by *ibid*, for "East Punjab".

⁴Substituted by *ibid*, for "Provincial".

Power to ex-
empt areas from
the provisions
of this Act.

2. Notwithstanding anything contained in section 1, the ¹[State] Government may by notification exempt any area from any or all of the provisions of this Act or direct that any provision of this Act shall apply to any area with such modifications as may be specified.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

- (a) 'animal' means any domesticated animal or bird, or any animal or bird kept in confinement ;
- (b) 'an infective animal' is one which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected ;
- (c) 'prescribed' means prescribed by regulations or rules made under this Act ;
- (d) 'scheduled disease' means any disease for the time being included in the schedule in Appendix I.

Scheduled
Diseases.

4. The diseases specified in the Schedule in Appendix I shall in the first instance be scheduled diseases for the purpose of this Act, but the ¹[State] Government may, by notification—

- (a) delete any entry from the Schedule, or
- (b) include in the Schedule any communicable disease of animals to which it is expedient in their opinion that the provisions of this Act should apply.

Veterinary
Surgeons.

5. (1) The ¹[State] Government may either by name or designation appoint any person holding the office of Veterinary Assistant or Veterinary Assistant Surgeon, or any graduate of a recognised veterinary college whom they think fit to be a Veterinary Surgeon for the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

6. The ¹[State] Government may either by name or designation appoint any person it thinks fit to be an Inspector for any or all of the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties incidental to such purposes. Inspectors.

Act
XLV
1860. 7. Any person appointed under section 5 or section 6 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Status of Veterinary Surgeons and Inspectors.

8. An Inspector may, subject to any rules made in this behalf by the ¹[State] Government, enter and inspect any land or building or other place or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred and imposed on him by or under this Act. Power of Inspectors.

CHAPTER II.—THE CONTROL OF DISEASE.

9. (1) The ¹[State] Government for the purposes of preventing the outbreak or spread of any scheduled disease, may, by notification prohibit or regulate in such manner and to such extent as they may think fit— Powers to regulate inter-State trade and to control transport of animals and things which may spread diseases.

(a) the bringing or taking into the ²[State] of ³[Punjab] or any specified place therein of any animals, alive or dead or of any parts of animals, or of any kind of fodder, bedding or other thing which may, in their opinion, carry infection ;

(b) the removal from any specified part of the ²[State] of ³[Punjab] of any such animals, parts of animals, or things.

(2) The ¹[State] Government may, by notification, specify the season or seasons during which and the route or routes by which animals may be imported into the ²[State] and no person shall import animals into the ²[State] otherwise than during the season and by the route so appointed.

¹Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

²Substituted by *ibid*, for "Province".

³Substituted by *ibid*, for "East Punjab".

(3) The ¹[State] Government may establish quarantine stations for the inspection and detention of such animals along the route appointed under subsection (2).

(4) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination, if necessary, marking and issuing of a permit for the release of animals from the station shall be such as may be prescribed by the ¹[State] Government.

(5) The animals so detained shall remain under the care of the person incharge who shall be responsible for their feeding and upkeep and for the payment of fee for their vaccination and marking as may be prescribed by the ¹[State] Government.

Power to control the holding of markets, fairs, etc.

10. The ¹[State] Government, for the purpose of preventing the outbreak or spread of any scheduled disease, may, by notification, prohibit or regulate in such manner and to such extent as it may think fit, the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals in any specific area.

Power to control traffic in infective animals.

11. The ¹[State] Government may by regulations prohibit or limit the sale of or other traffic in infective animals, or in the carcasses of animals which at the time of their death were infective or in any parts of such animals, or litter, feeding utensils or other things which may carry infection.

Cleansing and disinfection of vessels and vehicles.

12. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as the ¹[State] Government may by regulations prescribe.

(2) The ¹[State] Government may appoint places, where an Inspector may detain and inspect any such vessel or vehicle and, if it is not in a sanitary condition, the Inspector may require it to be cleansed and disinfected in the manner prescribed within such time as he may appoint.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

(3) If such vessel or vehicle is not so cleansed and disinfected within the appointed time the Inspector may cause it to be cleansed and disinfected at the expense of its owner.

(4) This section shall not apply to the rolling stocks of any railway or any aircraft.

13. Every owner or person in charge of, every person bringing into the ¹[State] of ²[Punjab] and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be infective shall forthwith report the fact to the Inspector exercising powers in the area. Duty of certain persons to report scheduled disease.

14. Subject to such rules as may be made in this behalf by the ³[State] Government, the Veterinary Surgeon may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective, or is suspected to have been then infective, and for this purpose he may cause the carcass of any such animal to be exhumed. Power of Veterinary Surgeon to hold post-mortem.

15. (1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation and within such period as may be specified in the order: Power to isolate infective animals.

Provided that where there is no person in charge of the animal, and the owner is unknown or the order cannot be communicated to him without undue delay or the person in charge of the animal refuses to do as ordered above the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order of seizure under this section to the Veterinary Surgeon.

¹Substituted by *ibid* for "Province".

²Substituted by *ibid* for "East Punjab".

³Substituted by Adaptation of Laws Order, 1950, for "Provincial".

Examination
by the Veterinary
Surgeon.

16. On receipt of a report under subsection (2) of section 15 the Veterinary Surgeon shall examine the animal as soon as possible and may also examine all animals which it has been in contact with or in close proximity to, and for this purpose may submit any animal to any test which the ¹[State] Government may by regulations prescribe in this behalf.

Action after
examination by
the Veterinary
Surgeon.

17. (1) If, after such examination the Veterinary Surgeon is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who in his opinion is entitled to possession of it:

Provided that where such person cannot without undue inconvenience be found; the Inspector shall send the animal to the nearest cattle-pound, or deal with it in such other manner as the local Government may by rules prescribe in this behalf.

(2) If after such examination, the Veterinary Surgeon certifies in writing that any animal is affected with a scheduled disease, the animal shall be dealt with in such other manner as the ¹[State] Government may by rules prescribe in this behalf.

(3) If, after such examination, the Veterinary Surgeon certifies that the animal is infective though not diseased, the animal shall be dealt with in such manner as the ¹[State] Government may, by rule, prescribe in this behalf.

Compensation
for animals
destroyed.

18. Compensation may be paid to the owner of an animal if destroyed under section 17, and such compensation shall be determined in accordance with rules to be made in this behalf by the ¹[State] Government:

Provided that—

- (i) no compensation shall be paid to any person convicted of any offence punishable under this Act, committed in respect of such animal;
- (ii) no compensation shall be paid in respect of any animal which, when it was brought into the ²[State] of ³[Punjab], was affected with the disease on account of which it was destroyed.

¹Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

²Substituted by Adaptation of Laws Order, 1950, for "Province".

³Substituted by *ibid*, for "East Punjab".

19. (1) Subject to rules to be made in this behalf by the ¹[State] Government, the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which there has been an infective animal to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto be disinfected or destroyed in such manner and to such extent as may be specified in the order.

Power to require infected premises, vessels or vehicles.

(2) Subject as aforesaid, if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard, vessel or vehicle to be disinfected and the internal fittings and other things to be disinfected or destroyed at the expense of the owner.

20. (1) If the Inspector has reason to believe that there is an infective animal in any field, yard or building in which animals are kept, temporarily or otherwise, he shall at once by order in writing, declare the place to be an infected place and shall deliver a copy of the order to the owner, occupier or person in charge of the place and report his action to the Veterinary Surgeon.

Declaration of private infected places.

(2) This section shall not apply to any place owned by or under the control or management of any local authority or railway administration or to any air-field where animals are temporarily kept for sale, exhibition or in transit.

21. (1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein, and may cancel or confirm the order of the Inspector.

Examination of infected place by Veterinary Surgeon.

(2) If he confirms the order he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept temporarily or otherwise, within a radius not exceeding one mile from

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

the infected place, declaring such places to be infected places.

The Veterinary Surgeon shall forthwith report his action under this subsection to the authority prescribed by the ¹[State] Government in this behalf.

Declaration of
public infected
places

22. (1) Where the Veterinary Surgeon has reason to believe that infective animals are or have been in any place owned, controlled or managed by any local authority, or railway administration or aircraft company where animals are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be an infected place.

(2) The Veterinary Surgeon shall cause a copy of such order, in the vernacular of the locality, to be exhibited prominently in the infected place, and he shall deliver copies at the office of the local authority or to the nearest station master of the railway administration, or to the officer-in-charge of the air-field as the case may be and shall also send a copy to the nearest police station ; and he shall report his action forthwith to the authority prescribed by the ¹[State] Government in this behalf.

Declaration of
infected areas
by the State
Government.

23. (1) On receipt of the report of the Veterinary Surgeon under subsection (2) of section 21 or under subsection (2) of section 22 and after such further enquiry, if any, as it may think fit, the ¹[State] Government—

(a) may cancel any declaration made under sections 20, 21 or 22 ; or

(b) may confirm such declaration either with or without modifications.

(2) Where the ¹[State] Government cancels any declaration, the Inspector shall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

(3) Where the ¹[State] Government confirms such declaration either with or without modifications the ¹[State] Government shall, by notification defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

(4) On the issue of such notification any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the vernacular of the area, a copy of the notification under subsection (3), and shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

24. (1) No person shall remove from any infected area or place any animal, dead or alive, or any part of an animal, or any fodder, bedding or other thing used in connection with animals, save in accordance with the conditions of a licence granted by the Inspector. Removal of animals and other things from infected areas or places.

(2) Nothing in this section shall prevent the transit by railway through an infected area or place of any animal or thing :

Provided that where any animal or other thing described in subsection (1) while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with subsection (1).

25. Where any animal or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 24, any Inspector or police officer may require the owner or person in charge of such animal or thing to return it to such area or place, and if the owner or person in charge fails to do so within a reasonable time, may cause it to be returned at the expense of the owner without further delay : Power to return animals, etc., to infected areas.

Provided that nothing in this section shall affect the powers of an Inspector under section 15 to deal with infective animals.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

Time for com-
plying with and
enforcement of
orders.

26. Where by any notice, requisition, or order under this Act or under any notification or rule issued thereunder any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

Recovery of ex-
penses incurred
under this Act.

27. Where any action may be taken under this Chapter in respect of any property at the expense of the owner thereof, the officer taking such action may frame a certificate stating the amount of the expense incurred and the person from whom such amount is recoverable, and any Magistrate to whom such certificate is presented may, after such inquiry as he may think fit, recover such amount as if it were a fine imposed by him on such person.

CHAPTER III—PENALTIES AND PROCEDURE

Penalties for
contraventions
of Acts, Regula-
tions and Rules.

28. Whoever—

- (a) removes from any part of the ¹[State] of ²[Punjab] any animal, alive or dead or any part of an animal, or any fodder, bedding or other thing in contravention of a notification issued under section 9, or imports animals in contravention of sub-section (2) of that section ;
- (b) holds or promotes or takes part in any market, fair, exhibition or other concentration of animals in contravention of a notification issued under section 10 ;
- (c) sells or otherwise traffics in, or attempts to sell or traffic in, an infective animal, or in anything mentioned in section 11 which may carry infection, or the carcass of an animal which at the time of its death was infective in contravention of section 11 ;

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

²Substituted by *ibid*, for "East Punjab".

- (d) being a common carrier fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under subsection (1) of section 12 or as may be required by the Inspector under subsection (2) of that section ;
- (e) fails in contravention of section 13, to report that an animal is infective ;
- (f) fails to comply with an order made by an Inspector under sub-section (1) of section 15;
- (g) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 19 ;
- (h) removes any animal or thing from any infected place in contravention of section 24 ;

shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees and, in the case of a second or subsequent conviction, to five hundred rupees.

29. Whoever keeps or grazes in or on any forest, open field, roadside, or other unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

30. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals any animals which he knows to be infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

31. Whoever places, or causes or permits to be placed, in any river, canal, or other water, the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being

Penalty for keeping or grazing infective animal in unenclosed land.

Penalty for bringing infective animal to market.

Penalty for placing carcass of infective animal in river.

infective or suspected of being infective shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees or with both imprisonment and fine.

Penalty for dis-
interring carcass
of diseased ani-
mal.

32. Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

Penalty for mali-
cious and vexa-
tious entry or
seizure by Ins-
pector.

33. (1) Whoever being an inspector maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle or seizes or detains any animal, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of one month from the date on which the offence is alleged to have been committed.

Arrest without
order or war-
rant

34. Any police officer not below the rank of Sub-Inspector of Police may without an order from a magistrate and without a warrant arrest any person who has been concerned in an offence against sections 9, 10, 24 and 31 of this Act.

Institution
proceedings. of

35. No prosecution under this Act except under section 33 shall be instituted except by or under the authority of the Veterinary Surgeon.

Jurisdiction
magistrates. of

36. No magistrate shall try any offence under this Act unless he is a magistrate of the first class, or a magistrate of the second class specially empowered in this behalf by the ¹[State] Government.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

37. Save as provided for in section 18 no person shall be entitled to any compensation in respect of the destruction of any animal and thing or in respect of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith. Bar of claim to compensation.

38. (1) The ¹[State] Government may make rules consistent with this Act for all or any of the following purposes, namely : Power of State Government to make regulations and rules.

- (a) to define the powers of entry and inspection of an Inspector under section 8 ;
- (b) to prohibit or regulate the holding of markets, fairs, exhibitions or other concentrations of animals under section 10 ;
- (c) to appoint places for the disinfection of vessels or vehicles under subsection (2) of section 12, and for the isolation or segregation of animals under section 15 ;
- (d) to regulate post-mortem examination of animals under section 14, and the disposal of animals under subsections (1), (2) and (3) of section 17 ;
- (e) to provide for the determination of the compensation payable under section 18 ;
- (f) to regulate the exercise of the powers of the Veterinary Surgeon and Inspector under section 19 ;
- (g) to prescribe the authority referred to in subsection (2) of section 21 and sub-section (2) of section 22 ;
- (h) to prescribe the form and contents of the licences to be granted by an Inspector under section 24 and the circumstances under which they may be granted ;

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

- (i) to prescribe scales of charges to be followed in certificates under section 27 for expenses incurred on behalf of an owner ;
- (j) to regulate the isolation, detention, treatment (including sterilization and inoculation), and disposal of animals which are infective or suspected of being infective, and the disposal of carcasses and parts of carcasses ;
- (k) to regulate the duties and powers of Inspectors and prescribe their qualifications ;
- (l) to prescribe the manner in which any report or notice under the Act shall be made or given ;
or
- (m) to prohibit or regulate the entry into the ¹[State] of ²[Punjab] or any specified part or place thereof, and the movement from one place to another, in the ¹[State] of ²[Punjab] of animals, alive or dead, or parts of animals or fodder, bedding or other things ;
- (n) to prohibit or limit sale or traffic in infective animals or carcasses of infective animals ;
- (o) to regulate the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals, and the destruction of infected matter or things found therein or near thereto ;
- (p) to prescribe the tests to be applied to animals suspected of being infective ;
- (q) to prescribe the manner in which animals shall be destroyed, and the manner in which carcasses or parts of carcasses, fodder, bedding or other things seized under the Act shall be disposed of ; and

¹Substituted by Adaptation of Laws Order, 1950, for "Province".
²Substituted by *ibid*, for "East Punjab".

(r) to prescribe the period of detention and the amount of fee for vaccination and marking at the inter—¹[State] quarantine stations.

(2) In making a rule under this section the ¹[State] Government may direct that a breach of it shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in case of a second or subsequent conviction to five hundred rupees.

39. (1) The power to make regulations and rules conferred by this Act is given subject to the condition of the regulations or rules being made after previous publication. Power to make regulations and rules subject to previous publication.

(2) All regulations and rules made by the ¹[State] Government under this Act shall be published in the official Gazette.

40. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting under this Act.

APPENDIX I

Schedule of Diseases referred to in Section 4 of the Animal Contagious Diseases Act, 1948.

<i>English Names</i>	<i>Vernacular Names.</i>
1. Rinderpest of Cattle Plague.	1. Mata, Wah, Sitla, Mok, Zehmat.
2. Foot and Mouth Disease.	2. Rora, Mun-khur.
3. Haemorrhagic Septicaemia.	3. Gal-Ghotā, Garhi.
4. Black quarter.	4. Phar, Suja.
5. Anthrax.	5. Sat, Goli.
6. Tuberculosis.	6. Tap-i-Dik.
7. Johne's Disease.	7. Purana Dust.
8. Glanders and Farcy.	8. Bad Kanar.
9. Epizootic Lymphangitis	9. Zeharbad.
10. Dourine.	10. Atshik-i-Aspan.
11. Rabies.	11. Halkapan, Bawlapan, Pagalpan.
12. Surra.	12. Pheta, Tebersa, or Sokra.

¹Substituted by Adaptation of Laws Order, 1950. for "Provincial".

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PREVENTION OF FRAGMENTATION)

THE EAST PUNJAB HOLDINGS (CONSOLIDATION
AND PREVENTION OF FRAGMENTATION) ACT, 1948.

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"THE EAST PUNJAB HOLDINGS (CONSOLIDATION
AND PREVENTION OF FRAGMENTATION) ACT, 1948.

EAST PUNJAB ACT NO. L OF 1948.

[Received the assent of His Excellency the Governor-General of India on the 7th December, 1948, and first published in the East Punjab Government Gazette (*Extraordinary*) of December 14, 1948.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948 ..	L.	The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948	Amended in part by Punjab Act XXIII of 1950 ² Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Amended in part by Punjab Act, VIII of 1952 ³ Amended in part by Punjab Act, XX of 1953 ⁴ Amended in part by Punjab Acts XXII ⁵ , XXXIX ⁶ and XL ⁷ of 1954 Amended in part by Punjab Act VII of 1955 ⁸ .

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1948, pages 601-602. For the Select Committee Report, see *East Punjab Government Gazette* (Extraordinary), 1948, Part V, pages 19-32; for Proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume III, 1948, pages 45-58, and 300-309.

²For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1950, page 838; for Proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1950, Volume II, pages (9) 106-(9) 109.

³For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), dated 10th July, 1952, page 552; for Proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952, Volume II, pages (24) 63-(24) 82; and for Proceedings in Council, see *Punjab Legislative Council Debates*, 1952, Volume II, pages (16) 4-(16) 18.

⁴For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1953, pages 134-135; for Proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1953, pages 296-298.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, page 92.

⁶For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, page 828.

⁷For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, pp. 926(c) and 926 (d).

⁸For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1955, page 128.

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CHAPTER I—PRELIMINARY.

An Act to provide for the compulsory consolidation of agricultural holdings and for preventing the fragmentation of agricultural holdings in ¹[the State of Punjab].

It is hereby enacted as follows :

1. (1) This Act may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. Short title, extent and commencement.

(2) It extends to the whole of the ²[State] of ³[Punjab].

(3) This section shall come into force at once and the remaining provisions of the Act shall come into force in such area and from such date as the ⁴[State] Government may by notification appoint in this behalf, and different dates may be appointed for the coming into force of different provisions of the Act.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Consolidation Officer” means an officer appointed as such under section 14 by the ⁴[State] Government and includes any person authorised by the ⁴[State] Government to perform all or any of the functions of the Consolidation Officer under this Act ;

(b) “Consolidation of Holdings” means the amalgamation and the redistribution of all or any of the lands in an estate or sub-division of an estate so as to reduce the number of plots in the holdings ;

⁵[(bb) “common purpose” means any purpose in relation to any common need, convenience or benefit of the village ;]

¹Substituted for the words “the Province of East Punjab” by the Adaptation of Laws (Third Amendment) Order, 1951.

²Substituted for the word “Province” by the Adaptation of Laws Order, 1950.

³Substituted for the words “East Punjab” by the Adaptation of Laws Order, 1950.

⁴Substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

⁵Inserted by Punjab Act, XXII of 1954. This clause shall be deemed always to have been so inserted.

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- (c) "fragment" means a plot of land of less extent than the appropriate standard area determined under this Act :

Provided that no plot of land shall be deemed to be a fragment by reason of any diminution in its area by diluvion ;

- (d) "land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings and other structures on such land ;

- (e) "notified area" means any area notified as such under section 3 ;

- (f) "owner" means in the case of unalienated land the lawful occupant and when such land has been mortgaged, owner means the mortgagor ; in the case of alienated land, owner means the superior holder ;

- (g) "prescribed" means prescribed by rules made under this Act ;

- (h) "Settlement Officer (Consolidation)" means an officer appointed as such under section 20 by the ¹[State] Government and includes any person authorised by the ¹[State] Government to perform all or any of the functions of the Settlement Officer (Consolidation) under this Act ;

- (i) "standard area" in respect of any class of land means the area which the ¹[State] Government may from time to time determine under section 5 as the minimum area necessary for profitable cultivation in any particular notified area and includes a standard area revised under the said section ;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(j) "sub-division" means a part of an estate recorded as a sub-division, *pati*, *taraf* or *pana* in a record-of-rights prepared under section 31 of the Punjab Land Revenue Act, 1887, provided it forms a compact block; and

(k) words and expressions used in this Act but not defined, have the meanings assigned to them in the Punjab Land Revenue Act, 1887.

CHAPTER II—DETERMINATION OF STANDARD AREAS AND
TREATMENT OF FRAGMENTS

3. The ¹[State] Government may, after such inquiry as it deems fit, specify any estate or sub-division of an estate as a notified area for the purposes of this Chapter of this Act. Determination of notified area.

4. (1) The ¹[State] Government may, after such inquiry as it deems fit, provisionally settle for any class of land in any notified area the minimum area that can be cultivated profitably as a separate plot. Settlement of Standard.

(2) The ¹[State] Government shall by notification and in such other manner as may be prescribed publish the minimum areas provisionally settled by it under sub-section (1) and invite objections thereto.

5. (1) The ¹[State] Government shall, after considering the objections, if any, received within three months of the date of publication of the notification under sub-section (2) of section 4 in the estate concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such notified area. Determination and revision of standard areas.

(2) The ¹[State] Government may, at any time, if it deems it expedient so to do, revise a standard area determined under sub-section (1). Such revision shall be made in the manner laid down in section 4 and sub-section (1) of section 5.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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(3) The ¹[State] Government shall, by notification and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (1) or revised under sub-section (2).

Entry in the re-
cord-of-rights.

6. (1) On notification of a standard area under sub-section (3) of section 5 for a local area all fragments in the local area shall be entered as such in the record-of-rights.

(2) Notice of every entry made under sub-section (1) shall be given in the prescribed manner.

Transfer and
lease of frag-
ments.

7. (1) No person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of section 6 unless thereby the fragment becomes merged in a contiguous survey number or recognised sub-division of a survey number.

(2) Notwithstanding anything contained in the Punjab Tenancy Act, 1887, no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment. XVI of 1887.

Fragmentation
prohibited

8. No land in any notified area shall be transferred or partitioned so as to create a fragment.

Penalty for
transfer or parti-
tion contrary to
provisions of
Act.

9. The transfer or partition of any land contrary to the provisions of this Act shall be void.

Valuation
of fragment.

10. Any owner of a fragment who intends to sell it shall make an application in this behalf to the Collector for determination of its market price and the Collector shall, after hearing the applicant and the owners of the contiguous survey numbers or recognised sub-divisions of survey numbers determine the market price, and such determination shall be final and conclusive for the purposes of this chapter.

Transfer
of fragment.

11. The owner referred to in the preceding section shall in the first instance offer the fragment for sale to the

¹Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

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owners of contiguous survey numbers or recognised subdivisions of survey numbers, and in case of their refusal to purchase for the price as determined under the last preceding section, may transfer it to the ¹[Government] for the purpose of the ²[State] on payment by the ¹[Government] of such price as aforesaid to persons possessing interest therein as the Collector may determine, and thereupon the fragment shall vest absolutely in the ¹[Government] for the purpose of the ²[State] free from all encumbrances.

V of
1908.

12. When a decree is transferred to the Collector Partition of under section 54 of the Code of Civil Procedure, 1908, for estate assessed to payment of the partition of an undivided estate assessed to the pay-revenue to Government of revenue to the ¹[Government] in any notified area separation of for which standard areas have been fixed, or for the separate share thereof. possession of a share of such an estate, no such partition or separation shall be made so as to create a fragment.

13. (1) Notwithstanding anything contained in any State Government law for the time being in force no land shall be acquired by ment or local the ³[State] Government or any local authority or sold at authority not to acquire land so any sale held under the orders of any court so as to leave a as to leave fragment. fragment.

(2) If any land acquired by the ³[State] Government or any local authority is in excess of its requirements, it shall be offered for sale in the first instance to the owners of contiguous survey numbers or recognised subdivisions of survey numbers at the price at which it was acquired under sub-section (1).

¹Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

²Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER III—CONSOLIDATION OF HOLDINGS.

Government may of its own accord or on application declare its intention to make scheme for consolidation of holdings.

14. (1) With the object of consolidating holdings in any estate or group of estates or any part thereof for the purpose of better cultivation of lands therein, the ¹[State] Government may of its own motion or on application made in this behalf declare by notification and by publication in the prescribed manner in the estate or estates concerned its intention to make a scheme for the consolidation of holdings in such estate or estates or part thereof as may be specified.

(2) On such publication in the estate concerned the ¹[State] Government may appoint a Consolidation Officer who shall after obtaining in the prescribed manner the advice of the landowners of the estate or estates concerned, ²[and of the non-proprietors and the Gram Panchayat, if any, constituted in such estate or estates under the Gram Panchayat Act, No. IV of 1953,] prepare a scheme for the consolidation of holdings in such estate or estates or part thereof as the case may be.

Scheme to provide compensation.

15. (1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of his original holding and for the recovery of compensation from any owner who is allotted a holding of greater market value than that of his original holding.

Occupancy Tenancies.

(2) * * * * *

16. (1) The scheme prepared by the Consolidation Officer may provide for the distribution of land held under occupancy tenure between the tenants holding a right of occupancy and his landlord in such proportion as may be agreed upon between the parties.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Inserted by East Punjab Holdings (Consolidation and Prevention of Fragmentation), (Amendment and Validation) Act, 1955 (Punjab Act, VII of 1955).

Section 3 of Punjab Act, VII of 1955, reads thus :—

"Validation of certain proceedings :—No Scheme of Consolidation under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, shall be deemed to be in valid merely on the ground that the advice of non-proprietors and Gram Panchayats was not so obtained during any Consolidation proceedings before the commencement of this Act".

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(2) When the scheme is finally sanctioned under section 20 the land so allotted to the occupancy tenant and the landlord shall, notwithstanding anything to the contrary contained in the Punjab Tenancy Act, or in any other law for the time being in force, be held by each of them respectively in full right of ownership, and the right of occupancy in the land allotted to the landlord shall be deemed to be extinguished.

1/. (1) Whenever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes with any holding in the scheme he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over the said road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes, shall be extinguished or, as the case may be, transferred to a new road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes laid out in the scheme of consolidation.

Amalgamation
of public roads,
etc., within
scheme for con-
solidation of
holdings.

(2) The declaration in sub-section (1) shall be published in the estate concerned in the prescribed manner along with the draft scheme referred to in section 19.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1), state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right :

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes, shall be entertained.

(4) The Consolidation Officer shall, after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary, to the Settlement Officer (Consolidation), together with the objections received, his recommendations thereon and a statement of the amounts of compensation, if any, which in his opinion are payable, and of the persons by whom and the persons to whom such recompensation is payable. The decision of the Settlement Officer (Consolidation), on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall, be final.

Lands reserved
for common
purposes.

18. Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer to direct—

- (a) that any land specifically assigned for any common purpose shall cease to be so assigned and to assign any other land in its place;
- (b) that any land under the bed of a stream or torrent flowing through or from the Siwalik mountain range within the ¹[State] shall be assigned for any common purpose ;
- (c) that if in any area under consolidation no land is reserved for any common purpose including extension of the village abadi, or if the land so reserved is inadequate, to assign other land for such purpose.

Publication of
draft scheme.

19. (1) When the draft scheme of consolidation is ready for publication the Consolidation Officer shall publish it in the prescribed manner in the estate or estates concerned. Any person likely to be affected by such scheme, shall, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objections relating to the scheme. The Consolidation Officer shall, after considering the objections, if any, received, submit the scheme with such amendments as he considers to be necessary, together with his remarks on the objections, to the Settlement Officer (Consolidation).

¹Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

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(2) The Consolidation Officer shall also publish in the prescribed manner the scheme as amended by him.

20. (1) The ¹[State] Government may by notification appoint one or more persons to be Settlement Officers (Consolidation) and, by like notification, specify the area in which each such officer shall have jurisdiction. The Consolidation Officers in the area under the jurisdiction of the Settlement Officer (Consolidation) shall be subordinate to him subject to any conditions which may be prescribed. Confirmation of scheme.

(2) If no objections are received to the draft scheme published under sub-section (1) or within thirty days of its publication to the amended draft scheme published under sub-section (2) of section 19, as the case may be, the Settlement Officer (Consolidation) shall confirm the scheme.

²[(3) If any objections are received to the draft scheme published under sub-section (1) or to the amended draft scheme published under sub-section (2) of section 19, the Settlement Officer (Consolidation) may after taking the objections into consideration together with the remarks thereon of the Consolidation Officer, either confirm the scheme, with or without modifications, or refuse to confirm it. In case of such refusal, the Settlement Officer (Consolidation) shall return the draft scheme, with such directions as may be necessary, to the Consolidation Officer, for reconsideration and resubmission.]

(4) Upon the confirmation of the scheme under sub-section (2) or (3), the scheme as confirmed shall be published in the prescribed manner in the estate or estates concerned.

21. (1) The Consolidation Officer shall after obtaining the advice of the landowners of the estate or estates concerned, carry out repartition in accordance with the Repartition.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Substituted by Punjab Act XX of 1953, section 2. This clause shall be deemed always to have been so substituted.

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scheme of consolidation of holdings confirmed under section 20, and the boundaries of the holdings as demarcated shall be shown on the *shajra* which shall be published in the prescribed manner in the estate or estates concerned.

(2) Any person aggrieved by the repartition may file a written objection within fifteen days of the publication before the Consolidation Officer who shall after hearing the objector pass such orders as he considers proper confirming or modifying the repartition.

(3) Any person aggrieved by the order of the Consolidation Officer under sub-section (2) may within one month of that order file an appeal before the Settlement Officer (Consolidation) who shall after hearing the appellant pass such order as he considers proper.

(4) Any person aggrieved by the order of the Settlement Officer (Consolidation) under sub-section (3) may within sixty days of that order appeal to the ¹[State] Government. The order of the ¹[State] Government on such appeal, and subject only to such order, the order of the Settlement Officer (Consolidation) under sub-section (3) or, if the order of the Consolidation Officer under sub-section (2) was not appealed against, such order of the Consolidation Officer, shall be final and shall not be liable to be called in question in any court.

Preparation of
record-of-rights.

22. (1) The Consolidation Officer shall cause to be prepared a new record-of-rights in accordance with the provisions contained in Chapter IV of the Punjab Land Revenue Act, 1887, in so far as these provisions may be applicable, for the area under consolidation, giving effect to the repartition as finally sanctioned under the preceding section. ^{xvii of 1887.}

(2) Such record-of-rights shall be deemed to have been prepared under section 32 of the Punjab Land Revenue Act, 1887. ^{xvii of 1887.}

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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23. (1) If all the owners and tenants affected by the scheme of consolidation or, as the case may be, repartition, as finally confirmed, agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession forthwith or from such date as may be specified by him. ^{Right to possession of new holdings.}

(2) If all the owners and tenants as aforesaid do not agree to enter into possession under sub-section (1) they shall be entitled to possession of the holdings and tenancies allotted to them from the commencement of the agricultural year next following the date of the publication of the scheme under sub-section (4) of section 20, or, as the case may be, of the preparation of the new record-of-rights under sub-section (1) of section 22, and the Consolidation Officer shall, if necessary, put them in physical possession of the holding to which they are so entitled, including standing crops, if any, and for doing so may exercise the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887.

(3) If there are standing crops on any holding of which possession has been given under sub-section (2), the Consolidation Officer shall determine ¹[in the manner provided under this Act] the compensation payable in respect of such crops by the person put in possession, who shall, within six months of the date of possession, pay such compensation to the person or persons from whom possession was transferred, and in case of default such compensation shall be recoverable from him as an arrear of land revenue.

(4) If any person from whom compensation is recoverable under the scheme fails within 15 days of the commencement of the agricultural year referred to in sub-section (2) to deposit such compensation in the prescribed manner, it shall be recoverable from him as an arrear of land revenue, and in such case the amount realised after deducting the expenses, shall be paid to any person having the interest in the holding.

¹Substituted for the words, "in the prescribed manner" by Punjab Act, XXIII of 1950, section 3.

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Coming into
force of scheme.

24. ¹(1) As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings, respectively allotted to them the scheme shall be deemed to have come into force and the possession of the allottees affected by the scheme of consolidation, or, as the case may be, by repartition, shall remain undisturbed until a fresh scheme is brought into force or a change is ordered in pursuance of provisions of subsections (2), (3), (4) of section 21 or an order passed under section 36 or 42 of this Act.]

²[(2) A Consolidation Officer shall be competent to exercise all or any of the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887 (Act XVII of 1887), for purposes of compliance with the provisions of subsection (1).]

Rights of land-
owners and ten-
ants after con-
solidation same
as before.

25. A landowner or a tenant shall subject to the provisions of section 16 have the same right in the land allotted to him in pursuance of the scheme of consolidation as he had in his original holding or tenancy, as the case may be.

Effect of consoli-
dation of hold-
ings on Evac-
uee Property.

³[25-A. (1) If in pursuance of a scheme for consolidation of holdings any land which is evacuee property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), is or has been exchanged for any other land which is not evacuee property, then such other land shall, as from the date of the coming into force of the scheme, be deemed to be evacuee property declared as such within the meaning of the said Act and the original evacuee land shall, as from such date, be deemed to have ceased to be evacuee property.

(2) If a displaced person to whom any land has been leased or allotted by the Custodian under the conditions published by the notification of the Government of Punjab in the Department of Rehabilitation No. 4891-S or 4892-S, dated the 8th July, 1949, has been allotted some other land in lieu thereof in pursuance of any scheme, for consolida-

¹Substituted by Punjab Act No. 46 of 1956.

²New sub-section (2) added by *ibid.*

³New section 25-A. inserted by Punjab Act, XL of 1954.

tion of holdings, then such other land shall be deemed to have been leased or allotted, as the case may be, to such displaced person under the aforesaid conditions within the meaning of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954).

(3) In this section, the expressions 'Custodian' and 'displaced persons' have the meanings respectively assigned to them in the Administration of Evacuee Property Act, 1950 (XXXI of 1950) and the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954).]

26. (1) If the holding of a landowner of the tenancy of a tenant brought under the scheme of consolidation is burdened with any lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance shall be transferred and attached to the holding or tenancy allotted under the scheme or to such part of it as the Consolidation Officer subject to any rules that may be made under section 46, may have determined in preparing the scheme; and thereupon the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance has been transferred.

Encumbrances of
landowners
and tenants.

(2) If the holding or tenancy to which a lease, mortgage, or other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall subject to the provisions of section 34 be entitled to the payment of such compensation by the owner of the holding, or as the case may be, the tenant as the Consolidation Officer may determine.

(3) Notwithstanding anything contained in section 23, the Consolidation Officer shall if necessary put any lessee or any mortgagee or other encumbrancer entitled to possession, in possession of the holding or tenancy or part of the holding or tenancy to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

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Transfer of rights of land-owners in holdings and of tenants in tenancies. **27.** Notwithstanding anything contained in the Punjab Land Revenue Act, 1887, and the Punjab Tenancy Act, XVII of 1887, the rights and liabilities of landowners in their holdings and of tenants in their tenancies shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and neither the landlord nor tenant nor any other person shall be entitled to object to or interfere with any transfer made for the said purpose. **XVI of 1887.**

Cost of consolidation proceedings. **28.** (1) The cost of consolidation proceedings shall be assessed in the prescribed manner.

(2) The cost of consolidation proceedings shall be recovered from the persons whose holdings are affected by the scheme of consolidation.

Compensation or costs or other sums payable under this Act. **29.** Compensation under section 15 or costs under section 28 or any other sums due payable under this Act shall be recoverable as an arrear of land revenue.

Transfer of property during consolidation proceedings. **30.** After a notification under sub-section (1) of section 14 has issued and during the pendency of the consolidation proceedings no landowner or tenant having a right of occupancy upon whom the scheme will be binding shall have power without the sanction of the Consolidation Officer to transfer or otherwise deal with any portion of his original holding or other tenancy so as to affect the rights of any other landowner or tenant having a right of occupancy therein under the scheme of consolidation.

Transfer not affected by Punjab Alienation of Land Act, 1900. **31.** Notwithstanding anything contained in section 3 of the Punjab Alienation of Land Act, 1900, no exchange of land by a member of an agricultural tribe in pursuance of a scheme of consolidation of holdings shall require the sanction of the Deputy Commissioner under the Act. **Punjab Act XIII of 1900.**

Suspension of partition proceedings during currency of consolidation proceedings. **32.** After a notification under sub-section (1) of section 14 has issued no proceedings under Chapter IX of the Punjab Land Revenue Act, 1887, in respect of any estate or a sub-division of an estate which will be affected by the **XVII of 1887.**

¹Repealed by Adaptation of Laws (Third Amendment) Order, 1951.

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scheme of consolidation shall be commenced, and such proceedings pending shall remain in abeyance during the pendency of the consolidation proceedings.

33. Notwithstanding anything contained in any law for the time being in force—
No instrument necessary to effect transfer.

(a) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings, and

(b) no instrument, if executed, shall require registration.

I of 1894. ¹[34. (1) The amount of compensation payable under this Act shall be assessed, so far as practicable, in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894].
Apportionment of compensation or net value in case of dispute.

²(2) Where there is dispute in respect of the apportionment of—

(a) the amount of compensation determined under sub-section (2) of section 15, or sub-section (4) of section 17 ;

(b) the net value realised under sub-section (4) of section 23 ;

(c) the total amount of compensation determined under sub-section (2) of section 26, the Consolidation Officer shall refer the dispute to the decision of the Civil Court and deposit the amount of compensation or net value, as the case may be, in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894, shall, so far as may be, apply.

¹Inserted by Punjab Act, XXIII of 1950, section 4.

²Existing provision of section 34 renumbered as sub-section (2) by Punjab Act, XXIII of 1950, section 4.

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Application of Chapter II consolidated holdings to **35.** In any estate or group of estates or any part thereof where consolidation of holdings has been effected under this Chapter, the ¹[State] Government shall, as soon as may be, take all necessary steps to apply the provisions of Chapter II.

Power to vary or revoke scheme. ²**36.** A scheme for the consolidation of holdings confirmed under this Act may, at any time, be varied or revoked by the authority which confirms it subject to any order of the State Government that may be made in relation thereto and a subsequent scheme may be prepared, published and confirmed in accordance with the provisions of this Act.]

CHAPTER IV—OTHER POWERS OF CONSOLIDATION
OFFICERS

Power of officers to enter upon land for purposes of survey and demarcation. **37.** The Consolidation Officer and any person acting under his orders may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

Penalty for destruction, injury or removal of survey marks. **38.** (1) If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected, he may be ordered by a Consolidation Officer to pay such fine not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code ^{XLV} of 1860.

Report of destruction or removal or injury to survey marks **39.** Every village officer of an estate shall be legally bound to furnish a Consolidation Officer with information respecting the destruction or removal of, or any injury done to, any survey-mark lawfully erected in the estate.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Substituted by Punjab Act, XX of 1953, section 3.

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40. (1) A Consolidation Officer or a Settlement Officer (Consolidation) may summon any person whose attendance he considers necessary for the purpose of any business before him as a Consolidation Officer or a Settlement Officer (Consolidation). Power of Consolidation Officer or Settlement Officer (Consolidation) to summon persons.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements and to produce such documents and other things relating to any such matter as the Consolidation Officer or the Settlement Officer (Consolidation) may require.

¹[(4) If a person summoned under sub-section (1) fails, without good cause, to attend or to produce any document or other thing which he may be required to produce, he shall be liable, at the discretion of the Consolidation Officer or the Settlement Officer (Consolidation), as the case may be, to a fine which may extend to fifty rupees :

Provided that no such fine shall be imposed on a person unless he was summoned to attend or required to produce any document or other thing within the limits of the estate in which he ordinarily resides, holds or cultivates land.]

CHAPTER V—GENERAL.

41. (1) The ²[State] Government may for the administration of this Act, appoint such persons as it thinks fit, and may by notification delegate any of its powers or functions under this Act to any of its officers either by name or designation. Appointment of officers and staff and delegation of powers.

(2) A Consolidation Officer or a Settlement Officer (Consolidation) may, with the sanction of the ²[State] Government, delegate any of its powers or functions under this Act to any person in the service of the ²[State] Government.

42. The ²[State] Government may at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act call for and Power of State Government to call for proceedings.

¹Added by Punjab Act No. VIII of 1952, section 2.

²Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reversed without giving the parties interested notice to appear and opportunity to be heard ¹[except in cases where the State Government is satisfied that the proceedings have been vitiated by unlawful consideration.]

Appeal and Revision. 43. Except as provided in this Act no appeal or revision shall lie from any order passed under this Act.

Jurisdiction of Civil Court barred as regards matters arising under this Act. 44. No civil court shall entertain any suit instituted or application made, to obtain a decision or order in respect of any matter which the ²[State] Government or any officer is, by this Act, empowered to determine, decide or dispose of.

Public servants indemnified for acts done under this Act. 45. No suit or other legal proceedings shall be maintained in respect of the exercise of any powers or discretion conferred by this Act, or against any public servant or person duly appointed or authorised under this Act, in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Rules. 46. (1) The ²[State] Government may by notification make ³rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the ²[State] Government may make rules providing for—

- (a) the manner of publication under sub-section (2) of section 4, sub-section (1) of section 14, sub-sections (1) and (2) of section 19, sub-section (4) of section 20 and sub-section (1) of section 21;
- (b) the manner of giving public notice under sub-section (3) of section 5;
- (c) the manner of giving notice under sub-section (2) of section 6;

¹Inserted by Punjab Act XX of 1953, section 4.

²Substituted by Adaptation of Laws Order, 1950, for "Provincial".

³For rules, see East Punjab Government, Notification No. 10954-D-49/7351, dated 8th December, 1949, *East Punjab Government Gazette*, 1949, Part I, pp. 1070-71, as subsequently amended.

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- (d) the procedure to be followed in the preparation of the scheme under sub-section (2) of section 14;
- (e) the manner in which the area is to be reserved under section 18 and the manner in which it is to be dealt with and also the manner in which the village abadi is to be given to proprietors and non-proprietors (including scheduled castes, Sikh backward classes, artisans and labourers) on payment of compensation or otherwise;
- (f) the manner in which compensation recoverable from any person under sub-section (3) of section 23 shall be deposited by him;
- (g) the guidance of the Consolidation Officer in respect of the transfer of a lease, mortgage or other encumbrance under section 26 ;
- (h) the manner in which the area assessment (including water-rate, if any) of each reconstituted holding and tenancy shall be determined;
- (i) the appointment of guardians *ad litem* for minors.
- (j) generally for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act; and
- (k) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication.

47. The enactments mentioned in the schedule are hereby repealed.

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THE SCHEDULE

(See Section 47)

Enactments Repealed

<i>Year.</i>		<i>No.</i>	<i>Short title.</i>
1936	..	IV	The Punjab Consolidation of Holdings, Act 1936.
1940	..	IX	The Punjab Consolidation of Holdings (Amendment) Act, 1940.
1945	..	II	The Punjab Consolidation of Holdings (Amendment) Act, 1945.

THE EAST PUNJAB AGRICULTURAL PESTS,
DISEASES AND NOXIOUS WEEDS ACT, 1949

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¹THE EAST PUNJAB AGRICULTURAL PESTS,
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EAST PUNJAB ACT No. IV OF 1949

[Received the assent of His Excellency the Governor of East Punjab on the 23rd March 1949, and was first published in the *East Punjab Gazette (Extraordinary)* on the 25th March 1949.]

1	2	3	4
Year	No.	Short Title	Whether affected by later legislation
1949	IV	The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949	Adapted by :— The Adaptation of Laws Order, 1951, The Adaptation of Laws (Third Amendment) Order, 1951. Amended by, Punjab Act II of 1951 ²

An Act to provide for the prevention of the introduction, spread or reappearance of ³[pests] plant diseases and noxious weeds injurious to crops, plants or trees in ⁴[State of Punjab].

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette*, (Extraordinary), 1948, p. 590; For Select Committee Report, see *ibid*, 1949, pp.5—10; and for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Vol. III, pp. 613—16.

²For Statement of Objects and Reasons, see *Punjab Government Gazette*, (Extraordinary), 1951, pp. 111-112; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1951, Vol. III, pp. (6) 79—(6) 82.

³Substituted by Punjab Act, II of 1951, for "Insect Pests"

⁴Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for "Province of East Punjab".

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DISEASES AND NOXIOUS
WEEDS

It is hereby enacted as follows:—

PART I—PRELIMINARY

Short title, and
extent,

1. (1) This Act may be called the East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949.

(2) It extends to the whole of the ¹[State] of ²[Punjab].

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

³[(1) “Pest” means any insect vertebrate or invertebrate animal declared to be pest by notification under section 3];

(2) “Inspector” means an inspector appointed under section 10;

(3) “Notified Area” means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force;

(4) “noxious weed” means any weed declared to be a noxious weed by notification under section 3;

(5) “occupier” means the person having for the time being the right of occupation of any land or premises or his authorised agent or any person in actual occupation of the land or premises and includes a local authority having such right of occupation or in such actual occupation ;

(6) “plant” includes all agricultural or horticultural crops, trees, bushes or herbs, or the seed, fruit or any other part thereof which is used

¹Substituted by Adaptation of Laws Order, 1950, for “Province”.

²Substituted by *ibid*, for “East Punjab”.

³Substituted by Punjab Act, II of 1951.

for food of man or beast or for any purpose in connection with art or manufacture;

- (7) "plant disease" means any fungoid, bacterial virus, parasitical or other disease declared to be a plant disease by notification under section 3;
- (8) "prescribed" means prescribed by rules made under this Act.

PART II—¹[PESTS] PLANT DISEASES AND NOXIOUS WEEDS.

3. Whenever it appears to the ²[State] Government that any pest, disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such ³[insect, vertebrate or invertebrate animal] disease or weed, or to prevent its introduction, spread or reappearance, the ²[State] Government may by notification in the official Gazette—

Power to declare insect, vertebrate or invertebrate animals, plant diseases and noxious weeds and direct measures to eradicate or prevent them.

- ⁴[(i) declare such insect, vertebrate or invertebrate animal to be a pest or such disease or weed to be a plant disease or noxious weed, respectively];
- (ii) specify the local area within which and the period during which such declaration shall remain in force;
- (iii) prohibit or restrict the movement or removal of any plant, each, soil manure or other thing from one place to another;
- (iv) direct the carrying out of such preventive or remedial measures, including the destruction of any ¹[pest], plant disease or noxious weed or any plant as the ²[State] Government may deem necessary, in order to eradicate such

¹Substituted by Punjab Act, II of 1951, for "Insect Pests".

²Substituted by Adaptation of Laws Order, 1950, for "Provincial".

³Substituted by Punjab Act, II of 1951, for "Pest".

⁴Substituted by *ibid*, for the old clause.

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AND NOXIOUS WEEDS

pest, disease or weed, or to prevent its introduction, spread or reappearance; and

- (v) prescribe the period within which it shall not be lawful to plant with a specified crop the whole or any portion of the notified area.

Duties
occupier
the issue of
notification
under section 3.

4. ¹(1) On the issue of a notification under section 3, every occupier within the notified area shall be bound to carry out the preventive or remedial measures mentioned in such notification.

¹[(2) Notwithstanding anything contained in this Act, in the event of any area being invaded, or in danger of an invasion, by locusts, the Collector of the district or other officer authorised by him in this behalf may call upon any male person not below the age of 14 years resident in the district to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts:

Provided as follows:—

- (i) no person who is by virtue of old age or any physical disability incapable of rendering assistance or who lives at a distance of more than five miles from the place where his presence is required, shall be called upon to render any such assistance;
- (ii) it shall not be necessary to notify every person individually for his services, and a proclamation by beat of drum or other customary mode in the village or locality shall be deemed sufficient notice to all affected persons residing in that village or locality.

(3) Any person who fails to render the assistance required of him under subsection (2) shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or in default to simple imprisonment

¹Existing section 4 renumbered, clause (1), and new clauses (2) and (3) added by Punjab Act, II of 1951.

V of
1908. for a period not exceeding ten days, and the offence shall
be tried summarily as provided in section 260 of the Code
of Criminal Procedure, 1898.]

5. Any Inspector may, after giving the prescribed notice, enter upon any land or premises, situated in the notified area within his local jurisdiction for the purposes of ascertaining—

Power of Ins-
pector to enter
upon any land
or premises.

(i) whether there is any ¹[pest], plant disease or noxious weed on such land or premises; and

(ii) whether the preventive or remedial measures or both, as the case may require, mentioned in the notification issued under section 3 have been carried out.

6. (1) If, on the inspection of any land or premises under section 5, the Inspector finds that there is any ¹[pest], plant disease or noxious weed on such land or premises and that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may, subject to any general or special orders of the ²[State] Government, call upon the occupier of such land or premises, by notice in writing, to carry out such preventive or remedial measures within the time specified in such notice.

Notice to occu-
pier to carry out
preventive or
remedial mea-
sures.

(2) Within seven days from the date of the service upon him of the notice under subsection (1), the occupier may prefer an appeal to the Collector or to such other officer as the ²[State] Government may appoint.

(3) On receipt of the appeal under subsection (2), the Collector or other officer, as the case may be, may extend the time specified in the notice under subsection (1) and shall, after giving the occupier an opportunity of being heard, pass such order on the appeal as he thinks fit.

(4) An order passed under sub-section (3) of this section shall be final and conclusive and shall not be liable to be called in question in any court.

¹Substituted by Punjab Act II of 1951, for "Insect Pest".

²Substituted by Adaptation of Laws Order, 1950, for "Provincial".

Failure to comply with notice under section 6 and power of Inspector to carry out measures.

7. (1) If any occupier upon whom a notice has been served under subsection (1) of section 6 does not comply with such notice within the time specified therein, or if an appeal has been preferred under subsection (2) of section 6, does not comply with the order passed on such appeal within the time specified in such order, the Inspector may carry out at the expense of the occupier the preventive or remedial measures mentioned in such notice or order.

(2) The costs of any preventive or remedial measures carried out under subsection (1) shall be payable by the occupier and shall be recoverable from him as an arrears of land revenue.

(3) Any such occupier may, within thirty days from the date of the first demand of such costs from him, prefer an appeal to the Collector or to such other officer as the ¹[State] Government may appoint in this behalf on the ground that—

(i) the costs include charges for items other than the cost of labour, material or use of implements; or

(ii) the charges for labour or material or use of implements are unreasonably high.

(4) On receipt of the appeal under subsection (3), the Collector, or other officer appointed by the ¹[State] Government, shall, after giving the occupier an opportunity of being heard, pass such order thereon as he thinks fit.

(5) An order passed under subsection (4) shall be, final and conclusive and shall not be liable to be called in question in any court.

Duty of certain village officers to report appearance of pest, plant diseases or noxious weeds.

8. (1) If any ²[pest], plant disease or noxious weed appears in any village adjoining a notified area, the patwari or lambardar of such village shall forthwith report the fact to such officer as the ¹[State] Government may appoint in this behalf.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".
²Substituted by Punjab Act, II of 1951, for "Insect Pest".

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AND NOXIOUS WEEDS

(2) The officer aforesaid shall, on receipt of such report and after making such further inquiry as he may deem necessary, forward it to the ¹[State] Government through the Director of Agriculture with his remarks thereon.

9. (1) Whoever removes any plant, earth, soil manure or other thing in contravention of the directions contained in a notification issued under section 3 shall on conviction by a magistrate be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days. Offences and penalties.

(2) Any occupier who fails to comply with a notice given under subsection (1) of section 6 or with any order passed on appeal under sub-section (3) of section 6 shall, on conviction by a magistrate, be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days.

(3) Whoever, having once been convicted of an offence under sub-section (1) or (2) of this section, is again convicted of an offence under either of these sections, shall be punishable with fine which may extend to Rs. 250 or in default to simple imprisonment not exceeding one month.

PART III—GENERAL

10. The ¹[State] Government may, by notification in the official Gazette, appoint persons as Inspectors for such local areas as may be specified in the notification. Appointment of Inspectors.

11. (1) No suit, prosecution or legal proceedings shall lie against the ¹[State] Government or any officer of the ¹[State] Government in respect of anything in good faith done or intended to be done under this Act, or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act. Bar of suits or other legal proceedings.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Collector or

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".

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AND NOXIOUS WEEDS

other officer authorised by the ¹[State] Government in this behalf nor after three months from the date of the commission of the alleged offence.

Delegation
powers.

of **12.** The powers conferred on the ¹[State] Government under this Act may, with the exception of the powers under section 13, be delegated by the ¹[State] Government to any officer.

Rules.

13. (1) The ¹[State] Government may, from time to time, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for all or any of the following purposes:—

- (a) the form or manner of giving notice under section 5;
- (b) the manner of making an inquiry under section 5;
- (c) the method of publication of description of ²[pest], plant disease, noxious weeds and the treatment to be followed;
- (d) the qualifications required of the Inspectors;
- (e) prescribing the officers to whom an appeal may be made and procedure to be followed in such appeal;
- (f) prescribing the notices and methods of services thereof, and registers needed for the effective working of the Act; and
- (g) generally to carry out the purposes of this Act.

(3) The rules made under this section shall be subject to the condition of being made after previous publication.

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial".
²Substituted by Punjab Act, II of 1951, for "Insect Pest".

¹ THE EAST PUNJAB TRACTOR CULTIVATION
(RECOVERY OF CHARGES) ACT, 1949.

EAST PUNJAB ACT No. XI OF 1949.

[Received the assent of His Excellency the Governor of East Punjab on the 14th April, 1949, and was first published in the *East Punjab Gazette (Extraordinary)* of the 18th April, 1949.]

1	2	3	4
Year	No.	Short Title	Whether effected by legislation
1949	XI	The East Punjab Tractor Cultivation (Recovery of Charges) Act, 1948	Adapted by : Adaptation of Laws Order, 1950 Adaptation of Laws (Third Amendment) Order, 1951 Amended by : Punjab Act XXIV of 1953 ²

An Act to provide for the cultivation of certain areas by means of tractors by the Department of Agriculture, [Punjab] and for the recovery of the charges in respect of such cultivation.

It is hereby enacted as follows:—

1. (1) This Act may be called the East Punjab Tractor Cultivation (Recovery of Charges) Act, 1949. Short title and extent.

(2) It extends to the whole of the [State] of [Punjab].

2. In this Act, unless there is anything repugnant Interpretation. in the subject or context—

(a) “cultivator” means a person who actually cultivates the soil himself or through members of his household, or gets it cultivated by hired labour or by a tenant;

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1948, page 138; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Vol. III, pp. (24)72—(24)75.

²For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1953, page 535.

³Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for “East Punjab”.

⁴Substituted by Adaptation of Laws Order, 1950, for “Province”.

⁵Substituted by *ibid*, for “East Punjab”.

(b) "director" means the Director of Agriculture,
¹[Punjab];

(c) "prescribed" means prescribed by rules made
under this Act;

* * * 2 * * * *

(d) "tractor" means a tractor owned by or
worked under the control of the Depart-
ment of Agriculture, ¹[Punjab];

³[(e) "tractor cultivation" means any agricultural
operation carried on with the help of tractors
such as ploughing, harrowing, discing, sowing,
or harvesting and includes any other operation
for the purpose of reclaiming banjar land;]

(f) "tractor cultivation charges" means the
charges recoverable on account of tractor culti-
vation.

Application for
Tractor Cultiva-
tion.

3. (1) Any cultivator may make an application in
writing to the Director for having any agricultural opera-
tion performed by tractors on his land or any part of it.

(2) Such application shall be accompanied by a de-
posit, made in the prescribed manner, of ⁴[* *] tractor
cultivation charges according to the prescribed scale :

Provided that—

(1) in exceptional cases, Director may require
only such part as he may specify of the full
cultivation charges to be deposited with the
application;

⁴(2) * * * * *

Procedure in
dealing with ap-
plications.

4. (1) If the Director accepts an application made
under section 3 he shall take all steps necessary in connec-
tion therewith.

(2) In case such application is rejected, any deposit
made with the application shall be refunded in the pres-
cribed manner to the applicant.

Notice of de-
mand.

5. As soon as may be after the tractor cultivation
has been completed, the Director shall in respect of such
cultivation serve on the cultivator a notice of demand
specifying the amount due from him after taking into ac-
count the deposit, if any made by him.

¹Substituted by *ibid* for "East Punjab".

²Clause (d) omitted by Punjab Act, XXIV of 1953, and clauses
(e), (f) and (g) relettered as clauses (d), (e) and (f).

³Substituted by Punjab Act, XXIV of 1953, for the old clause.

⁴The word "full" in clause (2), of section 3, and the second pro-
viso, omitted by Punjab Act, XXIV of 1953.

¹[6. A cultivator whose land has been brought under tractor cultivation shall, within one month or such further time as may be allowed from the date of the receipt of the notice of demand under section 5, deposit in the prescribed manner the amount specified in that notice or in such other manner and in such instalments as may be allowed in this behalf.] ^{Period within which payment is to be made.}

7. If any cultivator fails to make payment as specified in section 6, the sum due from him shall be recoverable as arrears of land revenue. ^{Recovery of outstanding dues as arrears of land revenue.}

8. The Director may delegate any or all of his powers and functions under the Act to any officer of the ²[State] Government.

9. (1) The ²[State] Government may by notification make rules for the purposes of carrying into effect the provisions of this Act. ^{Rules.}

(2) In particular and without prejudice to the generality of the foregoing power, the ²[State] Government may make rules regulating or determining all or any of the following matters :—

(a) the mode of making a deposit under subsection (2) of section 4;

(b) the scale of tractor cultivation charges;

(c) the mode of making a refund under subsection (2) of section 4;

(d) the manner of making payment under ⁸[* * * * *] section 6.

¹Substituted for the old section 6, by Punjab Act, XXIV of 1953.

²Substituted by Adaptation of Laws Order, 1950, for "Provincial".

³The words, figures and brackets "sub-section (1) or sub-section (2) of", omitted by Punjab Act, XXIV of 1953.

THE EAST PUNJAB CONSERVATION OF MANURE
ACT, 1949.

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**THE EAST PUNJAB CONSERVATION OF MANURE
ACT, 1949.**

EAST PUNJAB ACT NO. XV OF 1949.

[Received the assent of His Excellency the Governor of East Punjab on the 24th October, 1949, and was first published in the *East Punjab Gazette (Extraordinary)* of the 29th October, 1949.]

1	2	3	4
Year	No.	Short Title	Whether effected by later legislation
1949	XV	The East Punjab Conservation of Manure Act, 1948	Adapted by:— Adaptation of Laws Order, 1950 Adaptation of Laws (Third Amendment) Order, 1951 Amended by:— Punjab Act, VIII of 1950 ² Punjab Act, XXXIII of 1953 ³

*An Act to provide for the Conservation of Manure in
[Punjab].*

It is hereby enacted as follows:—

1. (1) This Act may be called the East Punjab Conservation of Manure Act, 1949. Short title, extent and commencement.

(2) It extends to the whole of the [State] of [Punjab].

(3) It shall come into force in such areas and on such dates as the [State] Government may by notification appoint in this behalf.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1949, pages 976-77; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Vol. IV, pp. (2)39—(2)47.

²For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1950, p. 203, for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1950, Vol. I, pp. (20)30-(20)37. This Act was repealed by Punjab Act, XXXIII of 1953.

³For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1953, pp. 159C-159D.

⁴Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for "East Punjab".

⁵Substituted by Adaptation of Laws Order, 1950, for "Province".

⁶Substituted by *ibid*, for "East Punjab".

⁷Substituted by *ibid*, for "Provincial".

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Committee" means the Manure Conservation Committee set up or deemed to have been set up under the provisions of section 5;
- (b) "complaint" has the same meaning as in section 4 of the Code of Criminal Procedure, 1898,^{V of 1898.}
- (c) "Conservation of manure" means the collection of manure in a pit or pits of the prescribed dimensions and its subjection to the prescribed process for the purpose of enriching the soil by its use thereon;
- (d) "Deputy Commissioner" means the Deputy Commissioner of the District;
- (e) "family" means a collective body of persons living in one house under one head or management;
- (f) "Government" means the ¹[State] Government;
- (g) "head of the family" means a person-in-charge of a family;
- (h) "manure" means and includes animal droppings, refuse, house-sweepings, ashes, uneaten fodder, residue, filth or rubbish of any kind, but does not include mineral fertilizers;
- (i) "notified area" means an area notified by Government under section 3;
- (j) "panchayat" means a panchayat established under section ²[5] of the ³Punjab Village Panchayat Act, 1939;^{XI of 1939.}
- (k) "prescribed" means prescribed by rules made under this Act.

Power to notify certain areas.

3. The Government may by notification declare any area situated within the limits of any one tehsil to be a notified area for the purpose of this Act, and may by notification alter the boundaries of any area so declared.

Liability of occupier or head of a family in a notified area.

4. (1) The occupier of any building in a notified area, or, if more than one person occupy a building in such area, the head of the family residing in such building, shall conserve manure, or arrange for its conservation, in the prescribed manner and to prescribed extent.

¹Substituted by *ibid.*, for "Provincial".

²Substituted by Punjab Act, XXXIst of 1953, for "6".

³Since repealed and replaced by Punjab Act, IV of 1953.

(2) If the occupier, or, as the case may be, the head of the family responsible for conservation of manure, is not in possession of land for such purpose, he shall within one month of the formation of a Committee for the area in which he resides submit a written application to the Committee to provide him in such area with land necessary for the aforesaid purpose.

5. (1) The Panchayat for any notified area shall be the Manure Conservation Committee for such area and its powers under this Act shall be in addition to its powers conferred under the ¹Punjab Village Panchayat Act, 1939. Formation
Committees. of

XI of
1939.

(2) If no Panchayat has been constituted for any notified area, the Deputy Commissioner shall establish for such area a Manure Conservation Committee appointing thereto such number of persons, not less than three as he may from time to time fix in this behalf.

(3) A Committee shall, subject to such rules as may be prescribed, be competent to acquire, hold or transfer property moveable or immoveable, to enter into contracts and to do all other things necessary for the purpose of this Act.

6. (1) The Chairman of any Committee deemed to be such under sub-section (1) of section 5 shall be the Sarpanch of the Panchayat. Chairman
Committee. of

(2) The Chairman of the Committee established under sub-section (2) of section 5 shall be the person appointed as such by the Deputy Commissioner from among the members of the Committee.

(3) The Chairman shall be the Chief Executive Officer of the Committee and shall be responsible for the due maintenance of all records or registers which may be prescribed.

7. (1) There shall be a fund vested in each Committee which shall be utilized by the Committee to meet charges in connection with its duties under this Act. Funds.

(2) All grants from the Government or local bodies and all sums recovered by or on behalf of the Committee under this Act or otherwise, shall be credited to the aforesaid fund.

¹Since repealed and replaced by Punjab Act. IV of 1953.

Committee to
take steps for
acquiring land.

8. (1) On receiving any application made to it under sub-section (2) of section 4, the Committee shall take all steps necessary for providing to the applicant the area of land required by him.

(2) If the Committee is unable to provide the land required by the applicant, it shall within one month of the application, apply to the Government for the acquisition of the necessary area of land within the notified area.

Acquisition of
land by Gov-
ernment.

¹[9 (1) If in the opinion of Government any land is required for conservation of manure, in pursuance of an application made to it by any Committee, it may by notification declare such land to be so required for a public purpose and such notification shall be conclusive evidence of the matters stated therein, and shall not be liable to be called in question in any Court on any ground whatever.

(2) The Deputy Commissioner of the District in which the area referred to in sub-section (1) is situated shall give publicity to the notification issued under sub-section (1) in such manner as may be prescribed.

(3) After the expiry of 15 days from the issue of a notification under sub-section (1) the Deputy Commissioner may, by order, notwithstanding any law to the contrary, authorise the Committee to take possession of the area specified therein.

(4) The Deputy Commissioner shall then proceed to occupy the area or procure its occupation as the case may be, and the provisions of the Land Acquisition Act, 1894 (Act I of 1894), except sections 4 to 8 inclusive as amended by the Land Acquisition (East Punjab Amendment) Act, 1948 (East Punjab Act XV of 1948), shall be applicable as nearly as may be.]

Power of Com-
mittee to charge
rents.

10. The Committee may charge rents not exceeding the prescribed scale for the site or sites it provides for conservation of manure to any person who has made

¹Substituted by Punjab Act, XXXIII of 1953. The original section had been substituted by Punjab Act, VIII of 1950, which Act has been repealed by Punjab Act, XXXIII of 1953.

application to it under sub-section (2) of section 4.

11. Any member of a Committee or ¹[any officer of the Revenue Department not below the rank of Naib-Tehsildar or any officer of the Department of Agriculture not below the rank of Agricultural Inspector], shall be empowered to enter upon any land or premises within the jurisdiction of such member or officer, as the case may be, for the purpose of ascertaining whether or not manure is being conserved in such land or premises.

12. (1) If any person fails to conserve manure in the manner or to the extent required under sub-section (1) of section 4, the Committee may by notice in writing specifying a reasonable period require him to conserve manure in the prescribed manner or to the prescribed extent.

(2) If any work required to be done under sub-section (1) is not executed within the period of the notice, the Committee may itself cause such work to be executed and recover a sum not exceeding the cost thereof from the person to whom notice was issued under sub-section (1).

13 Any person who disobeys a notice issued by the Committee under section 12 shall on conviction by the Committee be punished with fine which may extend to twenty-five rupees, and if the breach is a continuing breach, with a further fine which may extend to four rupees for every day after the first during which the breach continues.

14. (1) The Deputy Commissioner may, of his own motion or on an application of the party aggrieved, call for the records of any proceedings whereby any person has been convicted by the Committee under section 13, and may cancel or modify any order of conviction but not so as to enhance the penalty.

(2) A fee of Rs. 2 shall be paid on every application.

15. Subject to an order made by the Deputy Commissioner under section 14, the order of a Committee under section 13, shall be final and shall not be liable to be called in question by any court or other authority.

¹Substituted by Punjab Act, XXXIII of 1953, for the words "any officer of the Department of Agriculture not below the rank of Agricultural Assistant".

Procedure if the
Committee does
not issue notice.

16. If in any case a Committee fails within a reasonable period of the default to issue notice under sub-section (1) of section 12 ¹[any officer of the Revenue Department not below the rank of Naib-Tehsildar or any officer of the Department of Agriculture not below the rank of Agricultural Inspector] may issue such notice. If the notice is not complied with he shall have the power of a Committee under sub-section (2) of that section.

Proceedings on
disobedience of
notice issued
under the last
preceding sec-
tion.

17. If any person disobeys a notice issued under the last preceding section the officer who issued the notice may make a complaint to the nearest Magistrate having jurisdiction who shall thereupon exercise all the powers of a Committee under section 13.

No legal
practitioner to
appear before
Committee.

18. Notwithstanding anything contained in the Legal Practitioners Act, 1879, no legal practitioner shall be permitted to appear before the Committee for any party in any proceedings under this Act. ^{XVIII of 1879.}

Delegation.

19. The Deputy Commissioner may by written order delegate any functions under this Act by name or by designation of office to any Revenue Assistant or Tehsildar.

Recovery of
dues as arrears
of land revenue.

20. Any sums due under this Act may on application to the Collector be recovered as if they were arrears of land revenue.

Bar to suit or
legal proceed-
ings.

21. No suit, prosecution or other legal proceedings shall lie in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

22. The provisions of the ²Punjab Village Panchayat Act, 1939, specified in the Schedule to this Act shall, so far as may be, apply to the proceedings of Committees, ^{XI of 1939.} the powers to be exercised by them and the duties to be performed by them under this Act and their suspension or abolition.

Power of Gov-
ernment to make
rules.

23. (1) Government may make ³rules for carrying into effect the purposes of this Act.

¹Substituted by Punjab Act, XXXIII of 1953, for the words "any officer of the Department of Agriculture not below the rank of Agricultural Assistant".

²Repealed and Replaced by Punjab Act, IV of 1953.

³For Rules see East Punjab Government notification No. 19-FP-49/24, dated 30th August, 1949.

(2) In particular and without prejudice to the generality of the foregoing power Government may make rules regulating—

- (a) the size of pits for the conservation of manure, the processes to which it is to be subjected and the extent to which it is to be conserved;
- (b) the appointment, suspension and removal of members of Committees;
- (c) the functions and powers and the appointment, suspension and removal of Chairmen of Committees;
- (d) the powers of a Committee to sue and to acquire, hold or transfer property and to enter into contracts;
- (e) the records and registers to be maintained by Committees and their custody and proper maintenance;
- (f) the custody and proper maintenance of the funds of Committees;
- (g) the terms and conditions on which lands may be transferred by Government to Committees;
- (h) the scale of rents to be charged by Committees for sites provided by them for conservation of manure;
- (i) the conduct of business at meetings of Committees and the quorum for such meetings;
- (j) the punishment, suspension and dismissal of servants of Committees;
- (k) the manner in which summons issued by Committees are to be signed and sealed; and
- (l) any other matter in respect of which rules are expressly required or allowed by this Act to be made.

24. The East Punjab Conservation of Manure Ordinance, 1949, is hereby repealed but notwithstanding such repeal any orders made, anything done, any action taken or any proceedings commenced or liability or penalty incurred in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, done, taken or commenced or incurred in exercise of the powers conferred by or under this Act.

SCHEDULE

Sections 11, 12(2), 17, 18, 33, 34, 36(3), 38, 60, 61, 64.

Repeal of East Punjab Ordinance No. XV of 1949.

THE EAST PUNJAB IMPROVED SEEDS AND SEED-
LINGS ACT, 1949.

EAST PUNJAB ACT NO. XIX OF 1949.

[Received the assent of His Excellency the Governor of East Punjab on the 24th October, 1949, and was first published in *East Punjab Gazette, Extraordinary* of the 29th October, 1949.]

1	2	3	4
Year	No.	Short Title	Whether affected by later legislation
1949	XIX	The East Punjab improved seeds and seedlings Act, 1949	Adapted by: Adaptation of Laws Order, 1950 Adaptation of Laws (Third Amendment) Order, 1951 Amended by : Punjab Act XXIV of 1950 ² Punjab Act No. 18 of 1956 ³

An Act to provide for the use of pure and certified seeds and seedlings of the improved varieties of crops recommended by the Department of Agriculture in the '[Punjab].

It is hereby enacted as follows:—

Short title, extent and date of commencement.

1. (1) This Act may be called the East Punjab Improved Seeds and Seedlings Act, 1949.

(2) It shall extend to the whole of the ⁵[Statel of ⁶[Punjab].

(3) It shall come into force on such date or dates and in such areas as the ⁷[Statel Government may, by notification appoint in this behalf, and different dates may be appointed for different areas.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1949, pp. 146-147; for Select Committee's Report, see *ibid*, pp. 41-44; and for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Vol. II, pp. (24)51—(24)61; Vol. IV, 1949, pp. (1)42—(1)44.

²For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1950, p. 746; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1950, Vol. II, pp. (4)41-(4)42.

³For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1956, page 546-C.

⁴Substituted by Adaptation of Laws (Third Amendment) Order, 1951, for "East Punjab".

⁵Substituted by Adaptation of Laws Order, 1950, for "Province".

⁶Substituted by *ibid*, for "East Punjab".

⁷Substituted by *ibid*, for "Provincial".

2. In this Act, unless there is anything repugnant Interpretation.
in the subject or context,—

(i) "Improved Seed" means the seed approved by
the Department of Agriculture;

(ii) "Seedlings" means the plants raised from im-
proved seed;

XVI of
1887.

(iii) "Occupier" means the person having for the
time being the right of occupation of any land
as defined in the Punjab Tenancy Act and in-
cludes any person in actual occupation of
such land or his agent;

(iv) "Authorised Agent" means an agent authoris-
ed to sell improved seeds and seedlings only
on behalf of the Department of Agriculture.

¹[(v) An improved seed or seedling is said to be
'true to type' if the quality or purity thereof
does not fall below the prescribed standard or
its constituents conform to the prescribed
limits of variability.

(vi) 'Seeds' includes seeds of European vegetables
and flowers acclimatised to grow under indi-
genous conditions.]

3. In such areas to which this Act is applied—

(a) improved seeds or seedlings only shall be used
by each and every occupier;

(b) the movement of improved seeds or seedlings
from one area to another may be prohibited or
restricted.

Power to declare
seeds or seedl-
ings of approved
varieties of crops
and to specify
the area and
period, and res-
trict movement.

4. (1) For the purposes of this Act improved seeds
and seedlings shall be made available for sale by the De-
partment of Agriculture, through its authorised agents,
who shall stock for sale only improved seeds or seedlings.

Provision of
seeds and seedl-
ings by Agri-
cultural Depart-
ment.

(2) An authorised agent shall not withhold from
sale improved seeds or seedlings to any occupier.

²[4-A. The State Government may, for the purposes
of producing and marketing improved seeds of vegetables
and flowers, Controlled
areas.

(i) by a notice in the Official Gazette declare any
local area within the State to be a controlled
area; and

¹Added by Punjab No. 18 of 1856.

²Added by *ibid*.

- (ii) impose, by rules to be made in this behalf, such restrictions and conditions, within the controlled area, on the growing, selling and transporting of 'true to type' vegetable and flower seeds, as may be deemed necessary for the purposes of ensuring the use, sale and transport of only improved seeds and such control shall include the power to destroy any crop grown from any other seed."

Explanation.—'Growing' includes the entire process from the commencement of sowing till the harvest is lifted from the field and disposed of to the authorised agents of Government.]

Powers of the
Agriculture or
Revenue De-
partment Offi-
cers to enter,
enquire or
search.

¹[5. (1) Any officer of the Agriculture or of the Revenue Department, not below the rank of Agricultural Assistant or Naib-Tehsildar, as the case may be, may enter upon any land situated in the area to which this Act extends, for the purpose of ascertaining whether improved seeds or seedlings have been grown in the land or not.

(2) Any officer of the Agriculture or of the Revenue Department, not below the rank of Agricultural Assistant or Naib-Tehsildar, as the case may be, may enter upon any land or premises owned, or occupied by an authorized agent, to inspect the seed sold by him, or to enquire if he is withholding any seed from sale to any occupier, or to search, as far as may be necessary for that purpose, the aforesaid land or premises.]

Penalties.

6. (1) If any occupier of land within the area to which this Act applies is found growing a variety of any crop other than a variety approved by the Department of Agriculture, he shall be liable to punishment with a fine which may extend to Rs. 100.

(2) If an authorised agent withholds from sale or wilfully refuses to sell improved seeds or seedlings he shall be punishable with fine which may extend to rupees five hundred.

(3) Any abetment of a breach of the provisions of this Act shall be punishable with fine which may extend to Rs. 100.

(4) No prosecution for any offence under this Act shall be instituted except on a complaint in writing made by the ²[Deputy Commissioner within whose jurisdiction

¹Substituted by Punjab Act, XXIV of 1950.

²Substituted by Punjab Act, XXIV of 1950, for the words "Director of Agriculture, East Punjab".

the land is situated], or by an officer specially authorised by him in this behalf.

7. No suit, prosecution or legal proceedings shall lie against any public servant in respect of anything in good faith done or intended to be done under this Act. Bar of suit or other proceedings.

8. The ¹[State] Government may from time to time make rules for the purpose of carrying into effect the provisions of this Act. Power of Government to make rules

9. The East Punjab Improved Seeds and Seedlings Ordinance, 1949, is hereby repealed, but it shall not affect the previous operation of the said Ordinance and any order made, action taken or thing done in the exercise of any powers conferred by or under the said Ordinance, shall, for all purposes, be deemed to have been made, taken or done in the exercise of powers conferred by this Act. Repeal of East Punjab Ordinance No. V of 1949.

²THE EAST PUNJAB RECLAMATION OF LAND ACT, 1949.

EAST PUNJAB ACT NO. XXII OF 1949.

[Received the assent of His Excellency the Governor of East Punjab on the 24th October, 1949 and was first published in the East Punjab Gazette (Extraordinary) of the 29th October, 1949.]

An Act to provide for reclamation of lands in certain areas.

It is hereby enacted as follows:—

1. (i) This Act may be called the East Punjab Reclamation of Land Act, 1949. Short title and extent.

(ii) It extends to the whole of the ³[State] of ⁴[Punjab].

2. In this Act unless there is anything repugnant to the subject or context,— Interpretation.

(a) “Reclamation” means such operations as are considered necessary by the Director of Agriculture to reclaim and cultivate any reclaimable area.

(b) “Reclaimable area” means such waste lands and the intervening cultivated areas as the ¹[State] Government may by notification declare under section 4 to be a reclaimable area.

(c) “the Director” means the Head of the Department of Agriculture in ⁴[Punjab].

¹Substituted by Adaptation of Laws Order, 1950, for “Provincial”.

²For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1949, page 998; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Volume IV, pages (2)47—(2)50.

³Substituted by A. O., 1950, for “Province”.

⁴Substituted by A. O., 1950, for “East Punjab”.

(d) "Preliminary survey" means operations undertaken to ascertain the quality of any land for the purpose of declaring it reclaimable area.

(e) "Waste Land" means land recorded as Banjar of any kind in revenue records and such Ghair-mumkin lands as are reclaimable.

Authority to enter upon waste lands. Declaration and notification of reclaimable area and powers of the Director with regard thereto.

3. The Director may enter upon any waste land for the purpose of carrying out preliminary survey.

4. (1) If the ¹[State] Government is of opinion that any area is required for reclamation, it may by notification declare such area to be reclaimable area for the purpose of this Act and such notification shall be conclusive evidence of the matters stated therein, and shall not be liable to be called in question in any court.

(2) The Collector of the District in which the reclaimable area is situated shall give publicity to the notification issued under sub-section (1) in such manner as he may deem fit.

(3) Upon the issue of a notification under sub-section (1), the Collector may, notwithstanding any law to the contrary, authorise the Director to take possession of the whole or any part of the area specified therein.

(4) The Collector shall then proceed to acquire the land or procure its temporary occupation as the case may be, and the provisions of the Land Acquisition Act, 1894, except sections 4 to 8 inclusive, as amended by the Land Acquisition (East Punjab Amendment) Act, 1948, shall be applicable as nearly as may be.

Acquisition of land for approach roads.

5. (1) On getting a requisition from the Director, the Collector of the district in which the reclaimable area is situated shall acquire land for the purpose of constructing approach roads to such area.

of 1894.

East Punjab Act XV of 1948.

(2) For the acquisition of land under sub-section (1), the provision of the Land Acquisition Act, 1894, as amended by East Punjab Act, XV of 1948, shall be followed as nearly as may be.

Powers of Deputy Commissioner.

6. The Deputy Commissioner may take or cause to be taken such steps or use, or cause to be used such force, as may in his opinion be reasonably necessary for securing compliance with the provisions of this Act.

Delegation of powers.

7. The Director may delegate all or any of his powers and functions under this Act to any officer of the Agriculture Department, ²[Punjab], either by name or by designation.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 195, for "East Punjab".

8. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act. Debar to suits of legal proceedings.

(2) No suit or other legal proceeding shall lie against the ¹[Government] for any damage caused by anything which is in good faith, done or intended to be done under this Act.

9. The ²[State] Government may by notification make ³rules for carrying out the purposes of this Act. Power of Government to make rules.

10. The East Punjab Reclamation of Land Ordinance, 1949, is hereby repealed but notwithstanding such repeal any orders made, any notification issued, anything done, any action taken or any proceedings commenced in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, issued, done, taken or commenced in the exercise of powers conferred by or under this Act. Repeal of East Punjab Ordinance No. XXI of 1949.

THE EAST PUNJAB UTILIZATION OF LANDS ACT, 1949.

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14. Orders not to be called in question.
15. Debar to suits or legal proceedings.
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¹Substituted by A. O., 1950, for "Crown".

²Substituted by A. O., 1950, for "Provincial".

³For Rules, see East Punjab Government notification No. 2611-FP-50/521, dated 3rd February, 1950.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette*, (Extraordinary), 1949 p. 1130; for proceedings in Assembly, see East Punjab Legislative Assembly Debates, 1949, Vol. IV, pp. (8) 61—(8) 63.

¹EAST PUNJAB UTILIZATION OF LANDS ACT, 1949.

EAST PUNJAB ACT NO. XXXVIII OF 1949.

[Received the assent of His Excellency the Governor-General of India on the 22nd of November 1949 and was first published in the *East Punjab Gazette (Extraordinary)* of the 26th November, 1949.]

1	2	3	4
Year	No.	Short Title	Whether affected by later legislation
1949	XXXVIII	The East Punjab Utilization of Lands Act, 1948	Adapted by: Adaptation of Laws Order, 1950. Adaptation of Laws (Third Amendment) Order, 1951 Amended by:— Punjab Act XI of 1951 ² Punjab Act XXXII of 1953 ³

An Act to provide for the utilization of lands in ⁴[Punjab].

It is hereby enacted as follows:—

Short title, extent and duration. 1. (1) This Act may be called the East Punjab Utilization of Lands Act, 1949.

(2) It extends to the whole of the ⁵[State] of ⁶[Punjab].

7* * * * *

¹For Statement of Objects and Reasons, see East Punjab Government Gazette, (Extraordinary), 1949, p. 1130; for proceedings in Assembly, see East Punjab Legislative Assembly Debates, 1949, Vol. IV, pp. (8) 61—(8) 63.

²For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1953; page 164.

³For Statement of Objects and Reasons, see East Punjab Government Gazette, (Extraordinary), 1951, page 93; for proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1951, Vol. III, pp. (21) 138—(21) 152.

⁴Substituted by Adaptation of Laws (Third Amendment) Order, 1950, for "East Punjab".

⁵Substituted by A. O., 1950, for "Province".

⁶Substituted by A. O., 1950, for "East Punjab".

⁷Subsection (3) which read as under "It shall remain in force for two years from the date of its commencement", omitted by Punjab Act, XI of 1951, section 2.

Amendment to the East Punjab Utilization of Lands Act, 1949—made by Punjab Act No. 39, of 1956.

For subsection (1) of section 3 of The East Punjab Utilization of Lands Act, 1949, the following shall be substituted, namely:—

“(1) Notwithstanding any law to the contrary, the Collector may issue notice to the owner of any land which has not been cultivated for the last six or more harvests to show cause, within thirty days of the date of the service of such notice on him, why the land has not been cultivated and in case the Collector does not find the explanation to be satisfactory he may take possession of the land forthwith for the purposes of this Act;

Provided that the Collector may take possession of the land without issue of notice, if, in his opinion, the owner thereof has been wrongfully shown in the revenue records to have cultivated, the land which in fact has remained uncultivated for six or more harvests prior to such wrong entry.”

(2) The notice required by sub-section (1) shall be deemed to be duly served if delivered at, or sent by post to, the usual or last known place of residence of the owner:

Provided that no notice shall be deemed to be invalid on the ground of any defect, vagueness or insufficiency.

Payment of compensation.

¹4. Where possession of any land has been taken under the last preceding section, compensation shall be paid in accordance with the provision of Section 23(1) of the Land Acquisition Act, 1894 (Act No. I of 1894) :

Provided that from the compensation the Collector shall be competent to deduct the expenditure, if any, incurred in relation to any preliminary process incidental to the utilization of the said land or in connection with any additional staff or services rendered necessary for such utilization and computed in the manner prescribed. The balance shall be paid to the person who in his opinion is entitled to receive the same, without prejudice to the rights of any other person who may be lawfully entitled to claim it.]

Lease by Collector.

5. Where the Collector has taken possession of any land under section 3, he may lease it to any person on such terms and conditions as he may deem fit for the purpose of growing food and fodder crops:

²[Provided that the period of lease shall not be less than 7 years or more than 20 years].

Termination of lease.

6. * * * * *

Delivery of possession on termination of lease.

7. (1) Where any land taken possession of by the Collector under Section 3 is on the expiry of the lease * * * to be returned to the owner, the Collector may after making such inquiry, if any, as he considers necessary, specify by order in writing the person to whom possession of the land shall be given.

(2) The delivery of possession of the land to the person specified in any order made under sub-section (1) shall be a full discharge of the Collector from all liability in respect of such delivery but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

¹Substituted by East Punjab Utilization of Lands (Amendment) Act, 1953, Punjab Act, XXXII of 1953, for section 4.

²Proviso to section 5, substituted by Punjab Act, XI of 1951, section 5.

³Section 6, omitted by *ibid*, section 6.

⁴The words "or its earlier termination" omitted by *ibid*, section 7.

Amendment to the East Punjab Utilization of Lands Act, 1949—made by Punjab Act No. 39, of 1956.

For subsection (1) of section 14 of The East Punjab Utilization of Lands Act, 1949, the following shall be substituted, namely:—

“(1) The Commissioner of the Division in which the land is situate may, of his own motion or on an application made to him, call for the records of any proceedings which are pending before or have been disposed of by the Collector for the purpose of satisfying himself as to the legality or propriety of such proceedings or of any order made thereunder and may pass such order as he may think fit confirming, altering, or rescinding the order of the Collector after giving the parties a reasonable opportunity of being heard.”

(2) No suit or other legal proceedings shall lie against the ¹[Government] for any damage caused by any thing which is, in good faith, done or intended to be done under this Act.

Power of Government to make rules.

16. The ²[State] Government may by notification make ³rules for carrying out the provisions of this Act.

⁴THE PUNJAB ABOLITION OF VILLAGE CESS (KURI KAMINI) ACT, 1950.

PUNJAB ACT NO. VI OF 1950.

[Received the assent of His Excellency the Governor of Punjab on the 12th April, 1950, and first published for general information in the Punjab Government Gazette [Extraordinary) of April 15, 1950.]

It is hereby enacted as follows:—

Short title and extent.

1. (i) This Act may be called the Punjab Abolition of Village Cess (Kuri Kamini) Act, 1950.

(ii) It extends to the whole of the State of Punjab.

Cess declared illeviable.

2. Notwithstanding anything contained in any record-of-rights prepared or any notification issued or order made under the Punjab Land Revenue Act, 1887, or any agreement express or implied or any custom or usage to the contrary, the cess known as *Kuri Kamini* or *Khudi Kamini* including its other local variations (hereinafter referred to as the "said cess") shall cease to be levied. XVII of 1887.

Recovery of cess barred.

3. Notwithstanding anything contained in the Punjab Tenancy Act, 1887, or in any other law for the time being in force, no suit or other legal proceedings for or in relation to the recovery of the said cess shall lie, or if already instituted shall be proceeded with nor shall the said cess be recoverable by any other means whatsoever. XVI of 1887.

Penalty for contravention.

4. Whoever with intent to evade the provisions of this Act accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person the village cess hereby abolished shall be punishable with fine which may extend to three hundred rupees and in default of the payment of the fine to simple imprisonment for a term which may extend to three months.

¹Substituted by A. O., 1950, for "Crown".

²Substituted by the A. O., 1950, for "Provincial".

³For Rules, see Punjab Government notification No. 1768-FP-50/786, dated 20th February, 1950.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1950, pages 157-58; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1950, Volume I, pages (19)71—(19)76, and (20)15—(20)19.

THE PUNJAB BETTERMENT CHARGES AND
ACREAGE RATES ACT, 1952.

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**'THE PUNJAB BETTERMENT CHARGES AND
ACREAGE RATES ACT, 1952.**

PUNJAB ACT NO. II OF 1953.

*[Received the assent of the Governor of Punjab on the
5th January, 1953, and was first published in the
Punjab Government Gazette (Extraordinary)
of the 21st January, 1953]*

1	2	3	4
Year	No.	Short title	Whether affected by legislation
1953	11	The Punjab Betterment Charges and Acreage Rates Act, 1952	..

*An Act to provide for the levy of betterment charges
and acreage rates on certain lands in the
State of Punjab.*

It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Punjab Betterment Charges and Acreage Rates Act, 1952,

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

¹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), dated 25th October, 1952, pages 1208-1209; for report of the Joint Select Committee, see *Punjab Government Gazette*, dated 28th November, 1952, Part V, pages 135—146; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “acreage rates” means the charges levied under section 6 on lands included in an irrigation scheme;

(b) “betterment charges” means the charges levied under section 4 on lands included in an irrigation scheme;

(c) “canal” includes—

(i) all parts of a river, stream, lake or a natural collection of water or natural drainage channel to which the provisions of Part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), apply;

(ii) all canals, channels, reservoirs, wells, tube-wells and lift irrigation arrangements constructed, maintained or controlled by the Government for the supply or storage of water;

(iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs, wells, tube-wells or lift irrigation arrangements;

(iv) all watercourses, that is to say, all channels which are supplied with water from a canal but which are not maintained at the cost of the Government, and all subsidiary works belonging to any such channels;

(d) “cost of an irrigation scheme” means the total financial liability accruing from the loan contracted or the investment made, the interest thereon, the cost of maintenance and operation of the scheme or of any extension thereof or of an extension as a result thereof, with reference to the period during which the said liability has to be discharged;

VIII of
1873.

- (e) "Government" means the Government of the State of Punjab
- (f) "irrigation scheme" means any such scheme as is referred to in section 3;
- (g) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 ^{xvii} (XVII of 1887); _{of 1887.}
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) the expressions "land", "tenant" and "occupancy tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887); _{xvi of 1887.}
- (j) the expressions "Canal Officer" and "Divisional Canal Officer" have the meanings respectively assigned to them in the Northern India Canal and Drainage Act, 1873 (VIII of 1873). _{viii of 1873.}

Irrigation
schemes
notification of
proposal to
betterment
charges.

3. Where any scheme has come or comes into operation after the 15th day of August, 1947, for any levy one or more of the following purposes, namely:—

- (i) the irrigation of lands from any existing or projected canal;
- (ii) the extension of irrigation of land situate within the approved irrigation boundary of an existing canal;
- (iii) the improvement of irrigation supply or capacity factors or water allowances to lands already irrigated;
- (iv) the provision for or the improvement of drainage or any reservoir, dam or embankment constructed, maintained or controlled by the Government for the supply or storage of water;

the Government may proceed to levy betterment charges in respect of the lands which are included or are likely to be included in the irrigation scheme by notifying in the official Gazette a copy of which shall be posted at a conspicuous place in the village affected and in such other manner as may be prescribed its intention so to do, and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed:

Provided that no betterment charges shall be levied in relation to an irrigation scheme where the charges ordinarily leviable under other laws for the time being in force are sufficient to cover the cost of the scheme:

Provided further that the amount of the betterment charges recoverable from any scheme will be limited to the difference between the investment on the scheme and such part of it as may make it productive.

Explanation I.—“Capacity factor” means the ratio of the mean supply to the authorised full supply discharge of a channel, and “mean supply” for a period connotes the sum of the daily supply in cusecs divided by the number of days during that period.

Explanation II.—“Water allowance” means the designed number of cusecs of outlet or distributary capacity per thousand acres of land included in an irrigation scheme.

Explanation III.—“Cusecs” is the unit of discharge, and means the rate of flow of one cubic foot of water per second.

4. (1) At any time after the expiry of one month from the date of the publication of the notification referred to in section 3 the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing the rates at which the charges shall be leviable on the lands and payable by the landowners and occupancy tenants thereof and the proportions in which the charges shall be so payable.

Procedure for
levy of better-
ment charges.

(2) In preparing a schedule under subsection (1) for the levy of betterment charges in respect of any irrigation scheme regard shall be had to the following, namely :—

(a) the type of irrigation

(b) the improvement in irrigation;

(c) the extent of betterment accruing to the lands.

(3) A draft of the schedule prepared under subsection (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.

(4) Any landowner or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the official Gazette, or from the date of its publication in the village, whichever is later, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.

(5) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the official Gazette, and in such other manner as may be prescribed.

Amount of betterment charges.

5. (1) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with the irrigation scheme as the Government may, by notification in the official Gazette, fix in this behalf and their estimated value with reference

to such other date after such commencement as the Government may similarly fix, and such valuations shall be made in the prescribed manner.

(2) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landowners or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation:

Provided that whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landowners or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands. Leavy of acreage rates.

6. (1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the Government in the execution of any one or more of the following works or in undertaking any one or more of the following measures, namely.—

(a) rectangulation, sub-rectangulation or killa-bandi (that is to say, sub-division of land into one-acre fields),

(b) level, topographical or soil surveys,

(c) construction of watercourses,

(d) construction of village roads and works appertaining thereto,

the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

(2) A draft of the schedule prepared under subsection (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.

(3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may, within sixty days from the date of the publication of the schedule in the official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates and cause the same to be published in the official Gazette and in such other manner as may be prescribed.

Finality of schedule of betterment charges and acreage rates.

7. The betterment charges and the acreage rates leviable under the final schedules as published under sub-section (5) of section 4 and sub-section (4) of section 6 shall be final and no court shall call in question the schedules so published or the levy or rates of such charges or the determination by the Government of the increase in value of lands for the purpose of levying betterment charges.

Demand of betterment charges and acreage rates.

8. (1) When the schedule of betterment charges or acreage rates has been published in the official Gazette under sub-section (5) of section 4 or sub-section (4) of section 6, the Canal Officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

(2) Any landowner or occupancy tenant may within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal Officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall, subject to any orders that may be passed on

appeal under sub-section (2), be payable within such time as may be prescribed.

9. (1) The betterment charges and the acreage rates may be paid in one or more instalments as may be prescribed :

Mode of re-
covery of better-
ment charges
and acreage
rates.

Provided that where the betterment charges or acreage rates are paid in instalments interest shall be payable in respect of such instalments at such rates as may be prescribed and such interest shall be recovered in the same manner as the betterment charges or the acreage rates.

(2) Notwithstanding anything contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landowner to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

10. Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit the recovery of any such charges or rates, whether wholly or in part.

Postponement of
recovery of bet-
terment charges
and acreage
rates in certain
cases.

11. The betterment charges and acreage rates shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed :

Apportionment
of betterment
charges and
acreage rates.

Provided that in making any such apportionment between the landowner and the occupancy tenant of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such person in respect of that land :

Provided further that where there are more landowners than one they shall be jointly and severally liable for the portion recoverable from the landowner,

and similarly where there are more occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenants.

Betterment charges and acreage rates to be a charge on the land.

12. Any sums lawfully due under this Act by way of betterment charges or acreage rates shall take priority over all other charges payable in respect of the land except land revenue and shall be deemed to that extent to be a charge on the land and shall be recoverable as an arrear of land revenue.

Betterment charges and acreage rates not to affect any other charges leviable.

13. The betterment charges and acreage rates payable under this Act in respect of any land shall not affect any other rates or charges leviable under any other law for the time being in force.

Bar to jurisdiction of civil courts.

14. No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this Act.

Indemnity from proceedings.

15. No claim shall lie against the Government for compensation or for the refund of betterment charges or acreage rates on account of loss occasioned by the failure or stoppage of water in a canal or by any cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal Officer or by any measures taken by him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional Canal Officer considers such action to be necessary.

Indemnity.

16. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

Powers of Canal and Revenue Officers to summon persons.

17. (1) The Divisional Canal Officer, Canal Collector, Deputy Collector or a Revenue Officer of the rank of a Deputy Commissioner or Assistant Collector may summon any person whose attendance he considers necessary for the purpose of any business before him under this Act.

(2) Any person so summoned shall be bound to appear at the time and place mentioned in the summons, in person or, if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the summoning officer may require.

18. If a person required by a summons, notice, order or proclamation proceeding from a summoning officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the summoning officer, to a fine which may extend to fifty rupees, which, if not paid in cash, shall be recoverable as arrears of land revenue.

Penalty for failure to attend within limits of estate in obedience to order of Canal and Revenue Officers.

19. (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the manner in which notices under this Act, or the schedules of betterment charges and acreage rates shall be published;
- (b) the manner in which valuation may be made of any lands for the purpose of sub-section (1) of section 5 and for determining their increase in value;
- (c) the manner in which rates of betterment charges shall be calculated with reference to any lands or class of lands in an irrigation scheme;
- (d) the form in which demand statements may be prepared under sub-section (1) of section 8 and the procedure for preparing the same;

- (e) the form in which notices of demand may be prepared under this Act and the manner of their service;
- (f) the time within which objections may be preferred from notices of demand under subsection (2) of section 8, the procedure for the determination of such objections and the authorities to whom and the manner in which and the conditions subject to which appeals may be preferred therefrom;
- (g) the time within which betterment charges and acreage rates shall be payable after the notice of demand and the manner in which such charges or rates may be realised;
- (h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments;
- (i) the conditions subject to which any landowner may be allowed to relinquish any part of his land to the Government in satisfaction of betterment charges due from him;
- (j) the manner in which betterment charges and acreage rates may be apportioned between landowners and occupancy tenants;
- (k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act;
- (l) any other matter requiring to be prescribed under this Act.

Repeal.

20. The Punjab Betterment Charges and Acreage Rates Act, 1952 (President's Act No. III of 1952), is hereby repealed, but notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act so far as consistent with the provisions of this Act.

THE PUNJAB NEW TOWNSHIPS (STREET LIGHTING AND
WATER-SUPPLY) FEES ACT, 1950.

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9. Private connection in houses.
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¹THE PUNJAB NEW TOWNSHIPS (STREET LIGHT-
ING AND WATER-SUPPLY) FEES ACT, 1950.

PUNJAB ACT NO. IX OF 1950.

[Received the assent of His Excellency the Governor of Punjab on the 12th April, 1950, and was first published in the *Punjab Government Gazette (Extraordinary)* of the 15th April, 1950.]

It is hereby enacted as follows:—

1. (1) This Act may be called the Punjab New Townships (Street Lighting and Water-supply) Fees Act, 1950. Short title,, extent and commencement.

(2) It shall extend to such new townships of the Punjab as the State Government may by notification direct.

(3) It shall come into force whether prospectively or retrospectively in such townships to which it is extended from the dates to be notified by the State Government.

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1950, page 166-S; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1950, Volume I, pages (18)94-(18)95, and (19)37—(19)71.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) “house” means a residential house, house-cum-shop or house-cum-workshop in the new townships and includes houses constructed on plots purchased from Government in the new townships of Punjab;
- (b) “purchaser” means an individual, company, co-operative society or association or body of individuals, whether incorporated or not, who has/have purchased and/or occupied a house or houses, or/and plot or plots in the new townships and includes the predecessors and successors of interest of such purchaser;
- (c) “Deputy Commissioner” means a Deputy Commissioner of the District in which the new township is situated;
- (d) “prescribed” means prescribed by rules made under this Act;
- (e) “Controlling Authority” means the authority competent to make recovery of the fees under the powers conferred by this Act;
- (f) “new townships” means a colony of houses for the rehabilitation of displaced persons that has been or may hereafter be established by the State Government.

Controlling Authority.

3. (1) For the purposes of making the street lighting and/or water-supply available to the purchasers of the houses in new townships in Punjab, the State Government may appoint the Deputy Commissioner or any other officer as controlling authority.

(2) A controlling authority may with the sanction of the State Government delegate any of his functions under the Act to any officer of the State Government

within his jurisdiction whether by name or by designation.

4. (1) The purchaser in a new township shall be Rate of fee. liable to pay fees at a rate not exceeding Rs. 3-8-0 and Rs. 6-8-0 for street lighting and water-supply, respectively, per mensem per house in the new township.

(2) The fee shall be paid by the purchaser in respect of which it has been levied.

(3) Where the fee due from any person is in arrears it shall be lawful for the controlling authority to demand the fee from any person paying rent in respect of that house or any part thereof and requiring him to make all future payments of rent to the controlling authority until such arrears shall have been duly paid and such demand shall operate to transfer to the controlling authority the right to recover, receive and give a discharge for such rent.

5. (1) The fee shall be paid by the purchaser on or before the 5th of the month to which it relates or if it relates to any period before the coming into force of this Act, within three months of the notice of demand and in not more than three instalments and shall be deposited in the Treasury or in such other scheduled bank as may be specified by the controlling authority from time to time. Mode of Payment.

(2) A purchaser may at his option deposit the fee for the next six months in advance along with the half-yearly instalment towards payment of the cost of the house purchased by him, if due.

(3) An intimation of the payment having been made shall be given by the purchaser to the controlling authority or such other person as may be appointed in this behalf by the controlling authority.

(4) If the fee is not paid on the due date under subsection (1) interest at a rate not exceeding 6 per cent per annum may be chargeable on the amount due till it is fully paid.

Procedure in case
of default.

6. In case of default all arrears of the fee payable to the State Government under the Act including interest chargeable thereon and costs, if any, incurred may be realized as arrears of land revenue.

Finality of de-
cision of the
State Govern-
ment.

7. (1) The decision of the State Government as to the levy of the fee and the person liable therefor shall be final and no suit shall lie in any court to question any matter whatever in relation to this Act or the rules made thereunder.

(2) The State Government may by special order exempt any purchaser from the payment of the fee or the interest accrued due, as the case may be, ¹[if in its opinion, such exemption would promote national or public interest].

Bar to legal pro-
ceedings.

8. No prosecution, suit or other proceedings shall lie against the State Government or any public servant or other authority vested with powers under this Act for anything in good faith done or intended to be done thereunder.

Private
connections
houses.

con-
in-

9. If a purchaser obtains a private water connection in his house, no extra charge for water other than the water-supply fee prescribed in section 4 of this Act will be levied, but he shall have to bear the cost of service connection and pipes, from the nearest public main to his house together with the necessary departmental charges.

Power to make
rules.

10. The Government may make rules consistent with this Act for the carrying out of all or any of its purposes.

¹Added by Punjab Act No. 26 of 1956.

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THE PUNJAB SILKWORM SEED CONTROL ACT,
1953.

PUNJAB ACT NO. XVII OF 1953.

29th April, 1953.

[Received the assent of the Governor of Punjab on the 26th day of April, 1953, and was first published in the Punjab Government Gazette (Extraordinary), of the 28th day of April, 1953.]

1	2	3	4
No.	Year	Short title	Whether repealed by legislation
XVII ..	1953	The Punjab Silkworm Seed Control Act, 1953	..

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated 4th February, 1953, page 115; for proceedings in the Legislative Council, see Punjab Legislative Council Debates, 1953, Volume IV, pages (1) 26—(1) 53.

An Act to regulate the rearing of silkworms and to prohibit the use of unexamined silkworm seeds.

It is hereby enacted as follows :—

Short title, extent and commencement

1. (1) This Act may be called the Punjab Silkworm Seed Control Act, 1953.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) “prescribed” means prescribed by rules made under this Act;

(b) “rearer” means a person engaged in operations relating to rearing of silkworms;

(c) “rearing” includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;

(d) “silkworm” includes mulberry silkworms, tus-sar silkworms, muga silkworms and eri silkworms; and

(e) “silkworm seed” means silkworm cocoons; moths, eggs, or young silkworms of whatever description intended to be used for the purposes of reproduction or rearing.

Regulation of manufacture, etc., of silkworm seed.

3. No person shall manufacture, store, transport, sell or otherwise distribute silkworm seed except under and in accordance with the terms of a licence issued under this Act.

4. No person shall rear silkworms except from silk-^{Regulation of} worm seed obtained from a person who holds a licence^{rearing.} under this Act.

5. Every application for the grant of a licence under^{Application for} section 3 shall be made in such form and to such authority^{licence.} as may be prescribed.

6. The authority prescribed under section 5 or any^{Power of ins-} officer authorised by it in writing in this behalf may at any^{pection.} reasonable time for the purpose of ensuring due compliance with the provisions of this Act enter and inspect the particular place where silkworms are reared.

7. Whoever contravenes any of the provisions con-^{Penalties.} tained in section 3 or section 4, or any rule made under this Act, or obstructs any authority in the discharge of any duty imposed on it by this Act shall, on conviction, be punishable with fine which may extend to one hundred rupees.

8. (1) The State Government may, by notification^{Power to make} in the official Gazette, make rules for carrying out the^{rules.} purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the constitution of authorities for granting licences;
- (b) the form and manner in which applications for licences may be made and the payment of fees therefor, if any;
- (c) the terms and conditions which may be included in any licence.

THE PUNJAB SUGARCANE (REGULATION OF
PURCHASE AND SUPPLY) ACT, 1953.

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21. Repeal of the Sugarcane Act, 1934, and the Sugarcane (Punjab Amendment) Act, 1943, and saving.

¹THE PUNJAB SUGARCANE (REGULATION OF
PURCHASE AND SUPPLY) ACT, 1953.

PUNJAB ACT No. XL OF 1953.

[Received the assent of the Governor of Punjab on the
30th October, 1953, and was first published in the
Punjab Government Gazette (Extraordinary) of the
2nd November, 1953.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1953 ..	XL	The Punjab Sugar- cane (Regulation of Purchase and Supply) Act, 1953	..

**An Act to regulate the purchase and supply of sugar-
cane required for use in sugar factories.**

It is hereby enacted as follows:—

1. (1) This Act may be called the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953. Short title, Ex-
tent and com-
mencement.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

2. In this Act unless the context otherwise re-Definitions.
quires,—

(1) “assigned area” means an area assigned to a
factory under this Act;

(2) “Board” means the Sugarcane Control Board;

(3) “cane” means sugarcane intended for use in a
factory;

¹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1953, page 1630; for proceedings in the Assembly and Council, see Punjab Legislative Assembly and Council Debates, 1953.

- (4) "Cane Commissioner" means the officer appointed by the Government to perform the functions of Cane Commissioner;
- (5) "cane-grower" means a person including a tenant who cultivates cane either himself or through members of his family or through hired labour, and who is not a member of a Cane-growers' Co-operative Society;
- (6) "Cane-growers' Co-operative Society" means society registered under Co-operative Societies Act, 1912, one of the objects of which is to sell cane grown by its members;
- (7) "Collector" means the Chief Revenue Authority of a district;
- (8) "crushing season" means the period commencing on the 15th day of October in any calendar year and ending on the 30th June of the following year;
- (9) "factory" means a sugar factory wherein 20 or more workers are working or were working, on any day of the preceding twelve months, and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on with the aid of power ;
- (10) "Government" means the Government of the State of Punjab;
- (11) "occupier of a factory" means the person who has control over the affairs of a factory, and where the affairs of a factory are entrusted to the managing agent, such agent;
- (12) "prescribed" means prescribed by rules made under this Act;
- (13) "State" means the State of Punjab.

3. (1) The Government shall establish and constitute a Sugarcane Control Board for the State and ascribe to it such duties and functions in pursuance of the provisions of this Act, as may be prescribed. Sugarcane Control Board.

(2) The Board shall consist of fifteen members.

(3) The term of the Board shall be three years, provided that the Government may dissolve the Board before the expiry of its term if it is satisfied that it is necessary to do so.

(4) No proceedings of the Board shall be rendered invalid for the mere fact that there was one or more unfilled vacancy in the Board at the time that such proceedings took place.

4. The Government may appoint any officer to be the Cane Commissioner and may also appoint such other staff, body or committee as may be necessary for the performance of any duty or function under this Act. Appointment of Cane Commissioner.

5. Where the occupier of a factory is a firm or a company or other association, any one of its partners, or directors, or members may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable : Determination of "occupier" for purposes of this Act.

Provided that such firm or company or association may give notice to the Cane Commissioner that it has nominated one of its partners or directors or members to be the occupier of the factory for the purposes of this Act and such individual shall be deemed to be the occupier for the purposes of this Act until further notice cancelling his nomination is received by the Cane Commissioner.

6. (6) No cane shall be purchased for a sugar factory unless its occupier has, in the prescribed form, sent a notice of such intention to the Cane Commissioner, nominating one or more person as agents for making such purchases, and no agent shall be changed without prior notice in writing to the Cane Commisiosner. Appointment of agent.

(2) Any person appointed as agent under sub-section (1) shall deposit as security a sum of rupees one thousand in cash or Government Promissory Notes and no person shall be deemed to have been appointed as agent until such deposit is made, and he has been given a licence in the manner prescribed.

Licensing
purchasing.

of 7. (1) No person shall act as purchasing agent under this Act, unless he has been licensed as such in the prescribed manner.

(2) No person other than a purchasing agent shall be employed by an occupier of a factory to do any work in connection with any transaction for the purchase of cane within the State.

(3) A licence shall not be granted to any person under sub-section (1), unless such person has paid the prescribed deposit or furnished the prescribed security and the Cane Commissioner may subject to rules made in this behalf, in case of any breach of the conditions of the licence, order that the deposit paid or security furnished in respect of such licence shall be forfeited to Government or shall not be returned before the prescribed period or that the whole or any portion of such deposit or security shall be paid to any person who has suffered any loss owing to any misconduct or default of such licensee.

Duties
agent.

of an

8. (1) The agent or agents of a sugar factory shall maintain an office in one or more places within the State, as may be required by the Cane Commissioner, and shall maintain such accounts and submit such returns and statements as may be prescribed.

(2) If an occupier or an agent—

(a) intentionally fails to maintain correctly any document or register, or

(b) intentionally commits any breach of any condition or duty imposed under this Act, he shall be punishable with fine which may extend to two thousand rupees for every such failure or breach.

9. Any person contravening any of the provisions of Act or of any rule made thereunder, for which no penalty is otherwise provided, shall be punishable with fine which may extend to two thousand rupees. ^{Penalty for con-}
^{traventions not}
^{otherwise pro-}
^{vided for.}

10. (1) The Cane Commissioner may order the occupier of any factory to submit to him on or before any specified date, an estimate of the quantity of cane intended to be purchased for his factory during any particular crushing season. ^{Estimate of}
^{quantity of cane}
^{required by}
^{factory.}

(2) On receipt of an estimate, the Cane Commissioner shall cause the same to be submitted to the Sugarcane Control Board for their approval. The Sugarcane Control Board shall be competent to confirm, modify or reject the estimate, and in case of its not being rejected, to assign the area from which the cane may be purchased, on such terms and conditions as it may deem fit.

(3) If the Sugarcane Control Board is of the opinion that a survey of any area is necessary for the purpose of assigning it to a factory, the Cane Commissioner shall cause such survey to be made and report the result to the Sugarcane Control Board. The cost of such survey shall be payable by the occupier of such factory.

11. (1) Every survey mentioned hereinbefore shall be made by an officer authorised by the Cane Commissioner in the manner prescribed. ^{Survey area.} ^{of}

(2) Every person owning or occupying land in any area in respect of which a survey is being made shall afford to the officer making the said survey such assistance and facilities for making the said survey as may be necessary.

(3) Any amount due from the occupier of a factory in respect of a survey shall be recoverable from such occupier as an arrear of land revenue.

12. The Government may, on the recommendation of the Sugarcane Control Board, declare unsuitable for all or any factory cane of any variety grown in any area ^{Power to}
^{declare varieties}
^{of cane to be}
^{unsuitable for}
^{use in factories.}

specified in such notification, and no agent shall be competent to purchase any cane declared unsuitable for his factory.

Prohibition of distribution of certain kinds of seedcane.

13. (1) The occupier of a factory or any other person acting on his behalf shall not distribute seed-cane of any variety to any person to be used by cane-growers or the members of Cane-growers' Co-operative Societies in any area if the same has been declared under this Act, to be unsuitable for the factory.

(2) The occupier of a factory or any other person acting on his behalf shall not plant cane of any variety, declared under this Act, to be unsuitable for the factory.

Purchase of cane in assigned area.

14. (1) A cane-grower or a Cane-growers' Co-operative Society in an assigned area may sell by the date prescribed in this behalf, to the occupier of the factory to which the area is assigned, cane grown by the cane-grower or by the members of such Cane-growers' Co-operative Society as the case may be, not exceeding the quantity prescribed for such grower or Cane-growers' Co-operative Society.

(2) The agent of a factory shall enter into an agreement with a cane-grower or with a Canegrowers' Co-operative Society, as the case may be, in such form, by such date and on such terms and conditions as may be prescribed, for the purpose of purchasing the cane offered in accordance with sub-section (1). No person other than the agent aforementioned shall purchase or enter into an agreement to purchase cane grown by members of a Cane-growers' Co-operative Society from any other person except in accordance with such agreement.

(3) Except with the permission of the Government, cane grown in an assigned area shall not be purchased by any person other than the agent of the factory for which such area has been assigned.

(4) It shall be competent for the prescribed authority to specify any area within the assigned area of a factory, the entire cane of which area the agent of the

said factory shall be bound to purchase, and the cane-growers or Cane-growers' Co-operative Society shall be bound to sell to the said agent.

15. If the cane-growers or Cane-growers' Co-operative Society or Societies in the assigned area are not willing to enter into agreement to supply, or fail to supply the requisite quantity of cane, the agent may, after giving the prescribed notice to the Cane Commissioner, purchase the balance of the cane required by him from outside the assigned area. Purchase of cane outside the assigned area.

16. (1) The agent of a factory for the purposes of which an area has been assigned shall maintain a register in the prescribed form and manner. Maintenance of register

(2) The Government may prescribe the procedure for—

- (a) the correction of entries in, and the addition of new entries to, such register;
- (b) the payment of costs in connection with such correction or addition, and the manner in which such costs shall be realized; and
- (c) the supply, on payment, of copies of entries in the register.

17. (1) The State Government may, after consultation with the Sugarcane Control Board, impose a tax, not exceeding three annas per maund, on the purchase of cane by or on behalf of a sugar factory, and when a tax is so imposed it shall be notified in the official Gazette, and shall be charged, levied and collected in the manner prescribed. Tax on the purchase of cane.

(2) All sums due as the afore-mentioned tax, and not paid by the due date, shall be recoverable as arrears of land revenue.

18. (1) No prosecution shall be instituted under this Act except upon a complaint made by a District Magistrate. Institution of proceedings.

(2) On the application of a person accused of an offence under this Act, the District Magistrate may compound such offence by levying a composition fine not exceeding two thousand rupees, at any stage before the judgment in the case has been announced.

(3) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

Bar of suit or
other proceed-
ings.

19. No suit, prosecution or other legal proceeding shall lie against the Government or against any person for anything which is in good faith done or intended to be done under this Act or the rules framed thereunder.

Power to make
rules.

20. (1) The Government may make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

- (a) the constitution, powers, duties and procedure of the Sugarcane Control Board;
- (b) the powers and duties of the Cane Commissioner;
- (c) the authorities by which any functions under this Act or the rules made thereunder are to be performed;
- (d) the form in which any notices required under this Act should be given;
- (e) the procedure to be followed in making a survey under this Act, the manner of calculating the cost of such survey, the amount to be deposited in connection therewith and the assistance to be afforded by owners and occupiers of land to the officer making such survey;
- (f) the form of agreement to be entered into for the purchase of cane, the date by which such agreement should be made and the terms and conditions thereof;

- (g) the quantity of cane which may be purchased in an assigned area during any particular crushing season;
- (h) the posting of notices and the maintenance of records, registers and accounts and the submission of returns, the supply of copies of entries therein and the fees to be charged for the same;
- (i) the method by which the minimum price of cane is to be fixed under this Act;
- (j) the form and manner in which applications for licences may be made, the terms and conditions of each licence, their renewal, suspension and cancellation and the fees to be charged for the same;
- (k) the correct weighment of cane, the provision of facilities for weighment and for checking weighments, and timings of weighments;
- (l) the payment of the price for cane; and
- (m) any other matter which is to be or may be prescribed under this Act.

21. The Sugarcane Act, 1934 (Act XV of 1934), in so far as it is applicable to the State of Punjab, and the Sugarcane (Punjab Amendment) Act, 1943 (Punjab Act IX of 1943), are hereby repealed. Anything done or any action taken in exercise of powers conferred by, or under the repealed Acts, or purporting to have been done or taken under the Punjab Sugar Factories Control Act, 1950 (Punjab Act I of 1950) shall to the extent of being consistent with the provisions of this Act, be deemed to have been done or taken under this Act, as if this Act were in force at the time when such thing was done or such action was taken.

Repeal of the Sugarcane Act, 1934, and the Sugarcane (Punjab Amendment) Act 1943 and saving.

THE PUNJAB LIVE STOCK IMPROVEMENT ACT, 1953.

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¹THE PUNJAB LIVESTOCK IMPROVEMENT ACT, 1953.

PUNJAB ACT NO. XLVII OF 1953.

[Received the assent of the Governor of Punjab on the 3rd November, 1953, and was first published in the Punjab Government Gazette (Extraordinary) of the 9th November, 1953.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1953	.. XLVII	The Punjab Live-stock Improvement Act, 1953	..

¹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1953, page 548; and for proceedings in the Assembly and Council, see *Punjab Legislative Assembly and Council Debates*, 1953.

An Act to provide for the improvement of livestock in the State of Punjab.

It is hereby enacted as follows:—

1. (1) This Act may be called the Punjab Live- Short title, extent and commencement.
stock Improvement Act, 1953.

(2) It shall extend to the whole of the State of Punjab.

(3) It shall come into force, in any specified area, on such date as the State Government may by notification appoint; and different dates may be appointed for different areas.

2. In this Act, unless the context otherwise re- Definitions.
quires,—

(a) 'approved bull' means a bull certified as such under section 6 of this Act as fit for breeding purposes in a local area;

(b) 'bull' means an uncastrated male calf above such age as the State Government may prescribe for any local area;

(c) 'cow' includes a heifer;

(d) 'Director' means the Director of Veterinary Services, Punjab,

(e) 'Livestock Officer' means the Director and includes any other officer authorised by him to exercise all or any of the powers of a Livestock Officer under the Act;

(f) 'prescribed' means prescribed by rules made under this Act;

(g) a person is said to 'keep a bull' if he owns the bull or has the bull in his possession or custody, for the time being;

(h) a bull is said to be 'castrated' if it is rendered incapable of propagating its species; and

(i) 'local area' means the whole or a part of the area to which this Act applies, and in which an approved bull is, in the opinion of the Director, fit for breeding purposes.

Prohibition to keep a bull unmarked. **3.** In any area to which this Act applies, no person shall keep a bull except under and in accordance with the provisions of this Act.

Intimation about unmarked bulls. **4.** Every person, who, in any local area, keeps any bull which is not branded with a distinguishing mark as provided under this Act, shall give intimation of such possession to the Livestock Officer within such period as may be prescribed.

Submission of bulls for inspection. **5.** On receipt of the intimation under section 4, or on his own motion, the Livestock Officer may, by order, require any person keeping a bull to present the bull for inspection at any reasonable time and at a place specified in the order and thereupon it shall be the duty of the person keeping the bull to produce it for inspection accordingly and render all reasonable assistance in connection with such inspection.

Certification of bulls as approved. **6.** After such inspection of a bull, the Livestock Officer, if satisfied that the bull is suitable for being used for breeding purposes in the local area, shall certify the bull as 'approved' and cause it to be branded with a mark prescribed for the purpose.

Marking of castrated bulls. **7. (1)** If, after inspection, the Livestock Officer is satisfied that a bull is unsuitable for breeding purposes in a local area he shall cause it to be effectively castrated or specify by order a period during which such castration shall be effected.

(2) Such castration shall be performed or caused to be performed by the Livestock Officer unless the owner or the other person keeping the bull desires to make his own arrangements for complying with the order and if the bull is not castrated within the time allowed by the Livestock Officer, then without prejudice to any action that may be taken under section 14, the Livestock Officer shall get the bull castrated.

(3) The Livestock Officer shall cause every bull so castrated to be branded with the prescribed mark.

8. (1) If after such enquiry as the Livestock Officer may deem fit to make, he finds that any uncastrated bull is not owned or possessed by a known person, he shall cause the bull to be seized and inspected. Castration of bulls without owners.

(2) If on such inspection, he finds the bull not fit for being certified as 'approved' he shall have it castrated and branded with the appropriate mark and if he finds such bull fit for breeding purposes, he shall mark it as an approved bull.

9. (1) For the purposes of this Act, a Livestock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable times :— Officers competent to inspect or mark bulls, and to enter premises.

(a) to inspect any bull;

(b) to brand any bull with a prescribed mark;

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

(2) If the Livestock Officer, at any time on inspection of an approved bull, finds that the bull has become unfit as an approved bull he may take action as for an unapproved bull, in accordance with section 7.

10. Every castration or marking required to be done or made under this Act by a Livestock Officer shall be done or made free of charge. Marking to be made free of charge.

11. Any notice or order which is to be given or served on any person under the provisions of this Act may be given or served on the owner or keeper of a bull primarily liable to comply with such notice or order and in case of doubt or when he is unknown, it may be given or served on the person last known as owner or keeper thereof, and Service of notice and order.

any seizure or inspection under section 8, shall be deemed to have been done after compliance with the notice aforesaid.

Maintenance of registers.

12. The Livestock Officer shall maintain in the prescribed form a register giving particulars of inspections, names of owners or keepers of bulls, castrations and markings made, and bulls approved under this Act, and such other particulars as may be prescribed.

Penalty for unauthorised markings.

13. If any person without lawful authority brands or causes to be branded any bull with any mark prescribed under this Act or with any mark resembling such prescribed mark, he shall on conviction be punishable with imprisonment which may extend to three months or with a fine which may extend to five hundred rupees or both.

Penalty for other offences.

14. Whoever—

(a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or

(b) neglects, or fails to produce a bull for inspection when required to do so under the provisions of this Act, or obstructs any officer or person in the discharge of his functions under this Act or rules made thereunder, or

(c) neglects or fails to comply with any order under this Act or rules thereunder,

shall on conviction be punishable with fine which may extend to fifty rupees, and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

Cognizance of offence.

15. No Magistrate or Court shall take cognizance of any offence under this Act except upon a complaint made by a Livestock Officer or any person authorized by him in this behalf.

16. (1) No suit, prosecution or other proceedings shall lie against an officer or servant of the State Government for anything which is in good faith done or intended to be done under or in pursuance of this Act.

(2) No suit, or other legal proceedings shall lie against the State Government or against any of its officers for any damage caused or likely to be caused by anything in good faith done or intended to be done under or in pursuance of this Act.

17. (1) The State Government may make rules to ^{Power to make} carry out the purposes of this Act. ^{rules.}

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) all matters required to be prescribed under this Act;

(b) the powers and duties to be exercised and performed by officers or persons acting under this Act and the procedure to be adopted by them in so acting; and

(c) the approved age of a bull for purposes of breeding, in any local area.

(3) All rules shall be subject to the condition of previous publication.

190 AGRICULTURAL PRODUCT MARKETS [1953 : Pb. Act L.
(VALIDATION)

¹THE PUNJAB AGRICULTURAL, PRODUCE MAR-
KETS (VALIDATION) ACT, 1953.

PUNJAB ACT NO. L OF 1953.

[Received the assent of the Governor of Punjab on the 3rd November, 1953, and was first published in the Punjab Government Gazette (Extraordinary), of the 9th November, 1953.]

An Act to validate certain orders made under the provisions of the Punjab Agricultural Produce Markets Act, 1939.

It is hereby enacted as follows :—

Short title. 1. This Act may be called the Punjab Agricultural Produce Markets (Validation) Act, 1953.

Validation of certain orders, proceedings and acts. 2. All orders made, proceedings taken and acts done in pursuance of Punjab Government notification No. 1362-E-52/2369, dated the 17th April, 1952, after the 16th of October, 1952, in the exercise of the powers purporting to be derived by virtue of the aforesaid notification shall be deemed to be and always to have been validly made, taken and done as if the said notification had been approved by the Punjab Legislative Assembly to be continued in force as from 16th October, 1952, the date on which it would otherwise have ceased to operate, till the new committees are validly constituted.

Bar of legal proceedings. 3. No suit or other legal proceeding whatever shall lie in any court against the State Government or any officer specified in the notification aforesaid for or on account of or in respect of any such order made, proceeding taken or act done as aforesaid and validated by the provisions of the preceding section.

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated 2nd July, 1953, page 1154.

¹THE PUNJAB STATE TUBE-WELL ACT, 1954.

PUNJAB ACT No. XXI OF 1954.

[Received the assent of the Governor of Punjab on the 10th May, 1954 ; and was first published in the Punjab 1954.]

AN

ACT

to provide for the construction, improvement and maintenance of State Tube-well Irrigation Works in Punjab.

It is hereby enacted as follows—

1. (1) This Act may be called the Punjab State Tube-well Act, 1954. Short title, extent and commencement.

(2) It extends to such local areas in Punjab as the Government may from time to time by notification direct.

(3) It shall come into force on such date as the Government may by notification in the official Gazette direct.

2. In this Act, unless there be something repugnant Definitions. in the subject or context,—

(a) "Government" means the State Government of Punjab;

(b) "Prescribed" means prescribed by rules made under this Act;

(c) "State Tube-well" means a tube-well hitherto constructed, maintained or controlled or which may be hereafter constructed, maintained or controlled by the Government, and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it;

¹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, page 144.

(d) "Tube-well" means any device for lifting water from below the surface of the ground by mechanical means operated otherwise than by human or animal power;

(e) "Underground Water" means water under the surface of the earth regardless of the geologic it does not include water flowing in artificial structure in which it is standing or moving, but underground streams.

Application of
the Act.

3. The Government may, by notification in the official Gazette, declare that any tract of land is a tract to which this Act will apply with effect from a day to be named in the notification, not being earlier than three months from the date thereof.

Application of
Act VIII of 1873
to State Tube-
wells.

4. In respect of any State Tube-well the provisions of the Northern India Canal and Drainage Act, 1873 (VIII of 1873) (hereinafter referred to as the said Act), shall be deemed to apply in like manner as if such State Tube-wells were a canal within the meaning of the said Act, except the provisions of Section I, clause (4) of Section 3, Section 5, and Parts VI and VIII of the said Act:

Provided that the purpose of such application the said Act shall be subject to the following modifications :—

(1) In section 6 of the said Act, for the words "so named" the words "named in a notification under Section 3 of the Punjab State Tube-well Act, 1954" shall be deemed to be substituted and for the words "such application or use of the said water" the words "the application or

use of underground water for the purpose of a State Tube-well" shall be deemed to be substituted.

- (2) In Section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (i), shall be deemed to be omitted, in clause (g) for the words "through any natural channel which has been used for purposes of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the words and brackets "clause (a), (b) and (c)" the word and brackets "clause (b)" shall be deemed to be substituted.

- (3) In Section 32 of the said Act : —

(i) in sub-clause (1) of clause (a), the words "and with the previous sanction of the State Government" shall be deemed to be omitted,

(ii) clause (d) shall be deemed to be omitted.

- (4) In Section 68 of the said Act, for the words "Such Officer shall thereupon give notice" the words "On receipt of such application or when in the opinion of the Divisional Canal Officer any such difference is likely to arise he shall give notice" shall be deemed to be substituted.

- (5) In clause (2) of Section 70 of the said Act, the words "except by the construction of a tube-well". shall be deemed to be inserted before the word "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.

⁵THE PUNJAB REQUISITIONING AND ACQUISITION
OF IMMOVABLE PROPERTY ACT, 1953.

PUNJAB ACT NO. XI OF 1953.

[Received the assent of the President on the 15th April, 1953 ; and was published in the Punjab Government Gazette, Extraordinary, of the 15th April, 1953.]

1	2	3	4
No.	Year	Short Title	Whether affected by later legislation
XI	1953	The Punjab Requisitioning and Acquisition of Immovable Property Act, 1953	Amended in part by Punjab Act XXIV of 1954 ² .

AN
ACT

to provide for the requisitioning and acquisition of immovable property for the purposes of the State.

It is hereby enacted as follows :—

Short title, extent and duration.

1. (1) This Act may be called the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953.

(2) It extends to the whole of the State of Punjab.

(3) It shall remain in force for a period of five years from the date of the commencement of this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “award” means any award of an arbitrator made under section 8 ;

(b) “competent authority” means any person or authority authorised by the State Government, by notification in the official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification.

(c) “landlord” means any person who for the time being is receiving, or is entitled to receive, the

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1953, page 323.

²For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1954, page 357.

rent of any premises, whether on his own account, or on account or on behalf or for the benefit, of any other person or as a trustee, guardian or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant ;

(d) The expression “ person interested ”, in relation to any property, includes all persons claiming or entitled to claim, an interest in the compensation payable on account of the requisitioning or acquisition of that property under this Act ;

(e) “ premises ” means any building or part of a building and includes :—

(i) the garden, grounds and outhouses, if any appertaining to such building or part of a building ;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(f) “ prescribed ” means prescribed by rules made under this Act ;

(g) “ property ” means immovable property of every kind and includes any rights in or over such property ;

(h) “ tenant ” means any person by whom or on whose account rent is payable for any premises and includes such sub-tenants and other persons as have derived title under the tenant under any law for the time being in force.

3. (1) Where the competent authority is of opinion that any property is needed or likely to be needed for any public purpose, being a purpose of the State, and that the property should be requisitioned, the competent authority:—

Power to requisition immovable property

(a) shall call upon the owner or any other person who may be in possession of the property by

notice in writing (specifying therein the purpose of the requisition) to show cause, within fifteen days of the date of the service of such notice on him, why the property should not be requisitioned ; and

- (b) may, by order, direct that neither the owner of the property nor any other person shall, without permission of the competent authority dispose of, or structurally alter, the property or let it out to a tenant until the expiry of such period, not exceeding two months, as may be specified in the order.

(2) If, after considering the cause, if any, shown by any person interested in the property, or in possession thereof, the competent authority is satisfied that it is necessary or expedient so to do, it may, by order in writing, requisition the property and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no property or part thereof—

- (a) which is *bona fide* used by the owner thereof as the residence of himself or his family; or
- (b) which is exclusively used either for religious worship by the public or as a school, hospital, public library or an orphanage or for the purpose of accommodation of persons connected with the management of such place of worship or such school, hospital, library or orphanage, shall be requisitioned :

Provided further that where the requisitioned property consists of premises which are being used as a residence by a tenant for not less than two months immediately preceding the date of the service of notice under subsection (1), possession of the property shall not be taken unless the competent authority has provided such tenant with alternative accommodation which, in its opinion is suitable.

4. (1) Where any property has been requisitioned under section 3, the competent authority may, by notice in writing, order the owner as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within thirty days of the service of the notice. Power to take possession of requisitioned property.

(2) If any person refuses or fails to comply with an order made under subsection (1), the competent authority may take possession of the property and may, for that purpose, use such force as may be necessary.

5. (1) All property requisitioned under section 3, shall be used for such purposes, as may be mentioned in the notice of requisition. Right over requisitioned property.

(2) Where any premises are requisitioned under section 3, the competent authority may order the landlord to execute such repairs as may be necessary and are usually made by landlords in that locality and as may be specified in the notice, within such reasonable time as may be mentioned therein and if the landlord fails to execute any repairs in pursuance of such order, the competent authority may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery be deducted from the compensation payable to the landlord.

6. (1) The competent authority may at any time release from requisition any property requisitioned under this Act and shall, as far as possible, restore the property in as good a condition as it was when possession thereof was taken subject only to the changes caused by reasonable wear and tear and irresistible force : Release from requisitioning.

Provided that where the purposes for which any requisitioned property was being used cease to exist, the competent authority shall, unless property is acquired under section 7, release that property, as soon as may be from requisition.

(2) Where any property is to be released from requisition, the competent authority may, after such inquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given and such possession shall, as far as practicable, be given to the person from whom possession was taken at the time of the requisition or to the successors-in-interest of such person.

(3) The delivery of possession of the property to the person specified in an order under subsection (2) shall be a full discharge of the State Government from all liability in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given.

(4) Where any person to whom possession of any requisitioned property is to be given is not found and has no agent or other person empowered to accept delivery on his behalf, the competent authority shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish the notice in the official Gazette.

(5) When a notice referred to in subsection (4) is published in the official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof and the State Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

(6) Where any property requisitioned under this Act or any material part thereof is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was requisitioned by reason of fire, earthquake,

tempest, flood or violence of an army or of a mob or other irresistible force, the requisition shall, at the option of the State Government, be void :

Provided that the benefit of this subsection shall not be available to the State Government where the injury to such property is caused by any wrongful act or default of that Government.

¹[6-A. (1) After a period of two years from the date of requisitioning of any property, the owner or any person interested in such property, may apply to the competent authority to release it from requisition : Application for release from requisitioning.

Provided that such application may be made before the expiry of two years from the date of requisitioning of the property, if there have arisen circumstances which the owner or any person interested in the property could not have urged when given an opportunity to show cause under clause (a) of subsection (1) of section 3.

(2) On receipt of an application under subsection (1) the competent authority may, after calling for such information as may be found necessary from the owner or any person interested in the property or making such further inquiry as it may consider necessary, pass such orders as it deems fit.

6-B. After the application for release from requisition made under section 6-A has been rejected by the competent authority and the appeal filed before the State Government under section 10-A has also been rejected, no further application for the release from requisition of the property in question will be entertained by the competent authority till the expiry of a further period of two years: Further application for release from requisitioning.

Provided that another application may be made by the owner or any person interested in the property within two years of rejection of the first appeal if any further circumstances have arisen which he could not have urged in his previous application.]

¹New sections 6-A and 6-B added by Punjab Act, 24 of 1954, section 2.

Power to ac-
quire requisi-
tioned property.

7. (1) Where any property is subject to requisition the State Government may, if it is of opinion that it is necessary to acquire the property for a public purpose, at any time acquire such property by publishing in the official Gazette a notice to the effect that the State Government has decided to acquire the property in pursuance of this section :

Provided that before issuing such notice the State Government shall call upon the owner of, or any other person who, in the opinion of the State Government may be interested in, such property to show cause why the property should not be acquired ; and after considering the cause, if any, shown by any person interested in the property and after giving the parties an opportunity of being heard, the State Government may pass such orders as it deems fit.

(2) When a notice as aforesaid is published in the official Gazette, the requisitioned property shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances and the period of requisition of such property shall end.

(3) No property shall be acquired under this section except in the following circumstances, namely :—

- (a) where any works have, during the period of requisition, been constructed on, in or over, the property wholly or partially at the expense of the State Government and the Government decides that the value of, or the right to use, such works should be secured or preserved for the purposes of Government ; or
- (b) where the cost of restoring the property to its condition at the time of its requisition would, in the determination of the State Government, be excessive and the owner declines to accept release from requisition of the property without payment of compensation for so restoring the property.

(4) Any decision or determination of the State Government under subsection (3) shall be final and shall not be called in question in any court.

(5) For the purposes of clause (a) of subsection (3) "works" includes buildings, structures and improvements of every description.

8. (1) Where any property is requisitioned or acquired under this Act, there shall be given compensation which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say :—

Principles and methods of determining compensation.

- (a) where the compensation can be fixed by agreement, it shall be given in accordance with such agreement ;
- (b) where no such agreement can be reached, the State Government shall appoint as arbitrator a person, who is, or has been, or is qualified for appointment as a Judge of a High Court ;
- (c) the State Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned or acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose ;
- (d) at the commencement of the proceedings before the arbitrator, the State Government and the person to be compensated shall state what in their respective opinion is a fair amount of compensation ;
- (e) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specify the person or persons to whom such compensation shall be paid ; and in making the award, he shall have regard to the circumstances of each case and the provisions of subsections (2) and (3), so far as they are applicable ;
- (f) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if

the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons ;

(g) nothing in the Arbitration Act, 1940, shall apply to arbitrations under this section.

(2) The compensation for the requisitioning of any property shall consist of :—

(a) a recurring payment, in respect of the period of requisition of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period ; and

(b) such sum, or sums, if any, as may be found necessary to compensate the person interested for all or any of the following matters, namely—

(i) pecuniary loss due to requisitioning ;

(ii) expenses on account of vacating the requisitioned premises ;

(iii) expenses on account of re-occupying the premises upon release from requisition ; and

(iv) damages (other than normal wear and tear) caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.

(3) Where any property is acquired in connection with the new Capital of the State of Punjab compensation may be paid, whether by agreement or by award of the arbitrator, either in money or in kind or partly in money and partly in kind, and where there is no person competent to alienate the property or there is a person with limited interest in such property or there is any dispute as to the persons entitled to receive the compensation or as to the apportionment thereof, the arbitrator shall make an award in such manner or make an arrangement in such a way as may be equitable having regard to the interests of the persons concerned.

(4) The compensation for the acquisition of any property under section 7, in the absence of an agreement, shall be—

- (a) the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or
- (b) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition, whichever is less.

(5) Where there are several persons interested in the compensation, it shall be lawful for the State Government, either on its own motion, or on an application from any person interested to appoint the same or any other arbitrator to make an award or supplementary award in respect of the dispute.

9. The amount of compensation under an award shall, subject to any rules made under this Act, be paid or given by the competent authority to the person or persons entitled thereto in such manner and within such time as may be specified in the award. Payment of compensation.

10. (1) Any person aggrieved by an order of requisition made by the competent authority under subsection (2) of section 3 may, within twenty-one days from the date of service of the order, prefer an appeal to the State Government : Appeals from orders of requisitioning.

Provided that the State Government may entertain the appeal after the expiry of the said period of twenty-one days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under subsection (1), the State Government may, after calling for a report from the competent authority and giving an opportunity to the parties of being heard and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the State Government shall be final.

(3) Where an appeal is preferred under subsection (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Appeal from
order of com-
petent authority
rejecting appli-
cation for
release from
requisitioning.

¹[10-A. (1) Any person aggrieved by an order made by the competent authority under sections 6-A and 6-B may, within twenty-one days from the date of service of the order, prefer an appeal to the State Government :

Provided that the State Government may entertain the appeal after the expiry of the said period of twenty-one days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under subsection (1) the State Government may, after calling for a report from the competent authority and after making such further inquiry as it may consider necessary, pass such orders as it deems fit and the orders of the State Government shall be final.]

Appeals from
awards in res-
pect of compen-
sation.

11. Any person aggrieved by an award of the arbitrator made under section 8 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the requisitioned or acquired property is situate :

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Competent au-
thority and ar-
bitrator to have
certain powers
of civil courts.

12. The competent authority and the arbitrator appointed under section 8 while holding an inquiry or as the case may be, arbitration proceedings under this Act, shall have all powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908, in respect of the following matters, namely—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;

¹New section 10-A, added by Punjab Act, 24 of 1954, section 3.

- (c) reception of evidence on affidavits ;
- (d) requisitioning any public record from any court or office ;
- (e) issuing commissions for examination of witnesses.

13. The State Government or the competent authority may, with a view to carrying out the purposes of section 3 or section 6, or section 7 or section 8, by order require any person to furnish to such officer, as may be specified in the order, such information in his possession as may be specified relating to any property which is requisitioned or acquired, or intended to be requisitioned or acquired, under this Act. Power to obtain information.

14. The competent authority or any officer, empowered in this behalf by such authority by general or special order, may enter and inspect any property for the purposes of determining whether, and if so, in what manner an order under this Act should be made in relation to such property or with a view to securing compliance with an order made under this Act. Power to enter and inspect.

15. (1) Subject to the provisions of this section and any rules that may be made under this Act, every notice or order issued or made under this Act, shall— Service of notice and orders.

- (a) in the case of any notice or order of a general nature or affecting a class of persons be published in the official Gazette ; and
- (b) in the case of any notice or order affecting an individual corporation or firm, be served in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX as the case may be, in the First Schedule of the Code of Civil Procedure, 1908 ; and
- (c) in the case of any notice or order affecting an individual person (not being a corporation or firm) be served on such person—
 - (i) by delivering or tendering it to that person ;
 - or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such person or any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part on the premises in which that person is known to have last resided or carried on business or personally worked for gain ; or failing service by these means,

(iii) by post.

(2) Where the ownership of the property is in dispute or where the persons interested in the property are not readily traceable and the notice or order cannot be served without undue delay, the notice or order may be served by publishing it in the official Gazette, and where possible, by affixing a copy thereof on any conspicuous part of the property to which it relates.

Easement not to be disturbed.

16. No person interested in any property requisitioned or acquired under this Act shall, without the previous written consent of the competent authority or except for the purposes of effecting repairs or complying with a municipal requirement, wilfully disturb any convenience or easement attached to such property or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the property.

Delegation of powers.

17. (1) The State Government may, by notification in the official Gazette, direct that the powers exercisable by it by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to that Government.

(2) All notifications issued under subsection (1) shall be laid, as soon as may be, before both the houses of the State Legislature.

Protection of action taken in good faith.

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government or the competent authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

19. Save as otherwise expressly provided in this Act no civil court shall have jurisdiction in respect of any matter which the competent authority or arbitrator is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. ^{Bar of jurisdiction of civil courts.}

20. Whoever contravenes any provision of this Act, or any rule made thereunder, or any order made or direction given under this Act, or obstructs the lawful exercise of any power conferred by or under this Act, shall be punishable with fine which may extend to one thousand rupees. ^{Penalty for offences.}

21. The competent authority, every arbitrator and every officer empowered by the State Government or the competent authority, while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the ^{Certain persons to be public servants.} Indian Penal Code.

22. (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. ^{Power to make rules.}

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the procedure to be followed by the competent authority in making inquiries under section 3 or section 6 ;
- (b) the procedure to be followed in arbitration proceedings and appeals under this Act ;
- (c) the principles to be followed in determining the compensation and method of rendition of such compensation ;

- (d) the principles to be followed in apportioning the cost of proceedings before the arbitrator and on appeal under this Act ;
- (e) the manner of service of notices and orders ;
- (f) any other matter which has to be or may be, prescribed.

(3) All rules made under the provisions of this Act shall be laid, as soon as may be, before both the houses of the State Legislature.

Validation of
certain requisitions
and acquisitions.

23. (1) All immovable property which purports to have been requisitioned by the State Government for any public purpose, under any law in force prior to the commencement of this Act, and which, immediately before such commencement was used or occupied by the State Government or by an officer or authority subordinate to that Government shall, as from the commencement of this Act, be deemed to be property duly requisitioned under section 3 of this Act, and every such requisition shall, notwithstanding any judgment, decree or order of any court, be deemed always to have been valid as if this Act had been in force on and from the date of the requisition and the requisition had been duly made by a competent authority under this Act, and all the provisions of this Act shall apply accordingly :

Provided that all agreements and awards for the payment of compensation in respect of any such property for any period of requisition before the commencement of this Act and in force immediately before such commencement shall be valid and shall be deemed always to have been valid and shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition after such commencement.

(2) Every acquisition of immovable property purporting to have been made before the commencement of this Act by the State Government for any public purpose, under any enactment for the time being in force in the State and which, immediately before such commencement was used or occupied by the State Government or by an officer or authority subordinate to that Government shall,

notwithstanding any defect in, or invalidity of, the enactment or order under which the acquisition was made, be deemed for all purposes to have been validly made as if the provisions of the said enactment or order had been included and enacted in this section and this section had been in force on and from the date of the acquisition.

24 (1) Subject to any rules that may be made in this behalf by the State Government any sum due by way of rent in respect of any requisitioned property which is in arrear may be recovered by the competent authority from the person liable to pay the same in the same manner as an arrear of land revenue.

Power to recover rent or damages in respect of requisitioned property as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any requisitioned property, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the said property as it thinks fit and may, by notice served by post or in such other manner, as may be prescribed by rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay the damages within the time specified in the notice under section (2), the damages may be recovered in the same manner as an arrear of land revenue.

25. (1) The East Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1948 (East Punjab Act No. XLVIII of 1948), and the Punjab Requisitioning of Immovable Property (Amendment and Validation) Act, 1951 (President's Act No. II of 1951), are hereby repealed.

Repeals and savings.

(2) For the removal of doubts, it is hereby declared that any property which immediately before such repeal was subject to requisition under the provisions of either of the said Acts shall, on the commencement of this Act, be deemed to be property requisitioned under section 3 of this Act, and all the provisions of this Act shall apply accordingly :

Provided that—

(a) all agreements and awards for the payment of compensation in respect of any such property for any period of requisition before the

commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition after such commencement ;

- (b) anything done or any action taken (including any orders, notifications or rules made or issued) in exercise of the powers conferred by or under either of the said Acts shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken.

THE PUNJAB COTTON GINNING AND PRESSING FACTORIES ACT, 1953.

PUNJAB ACT NO. II OF 1955.

Act had the assent of the President on the 8th March, 1955, and was first published in the Punjab Government Gazette (Extraordinary) of the 22nd March, 1955.]

AN

ACT

to provide for better regulation of Cotton Ginning and Pressing Factories.

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Cotton Ginning and Pressing Factories Act, 1953.

(2) It shall extend to the whole of the State of Punjab.

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1953, page 1598.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise re- Definitions,
quires :—

- (a) "Cotton" means ginned or unginned cotton, or cotton waste ;
- (b) "bale" means any pressed package of cotton of whatever size or density ;
- (c) "admixture of cotton" means mixture of different varieties of cotton in contravention of rules made under this Act.
- (d) "cotton ginning factory" means any premises including the precincts thereof, where cotton is ginned or where cotton fibre is separated from cotton seed by any process whatever involving the use of steam, water or other mechanical power or of electrical power ;
- (e) "cotton pressing factory" means any factory as defined in the Factories Act, 1948, in which cotton is pressed into bales ;
- (f) "cotton waste" means droppings, strip-pings, fly and other waste products of a cotton mill or of a cotton ginning factory or of a cotton pressing factory, but does not include yarn waste ;
- (g) "Indian Central Cotton Committee" means the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923, and includes any Sub-Committee appointed by it to perform any function of the Indian Central Cotton Committee under this Act ;
- (h) "owner" includes a person in charge of a factory ;
- (i) "prescribed" means prescribed by or under rules made under this Act ; and

LXIII
of 1948.

XIV
of 1923.

- (j) "season" means such period as may from time to time be notified as such by the State Government.

Maintenance of registers.

3. (1) The owner of every cotton ginning factory shall maintain at the factory a ginning register in the form and manner prescribed, setting forth a daily record of all cotton ginned in the factory, the names of the persons for whom and the dates on which the cotton has been ginned, the quantity ginned for each person and such other particulars as may be prescribed.

(2) The owner of every cotton pressing factory shall maintain at the factory a press register in the form and manner prescribed, setting forth a daily record of the number of bales pressed in the factory, the serial number of each bale, the name of the person for whom it has been pressed and such other particulars as may be prescribed.

(3) The owner of a cotton ginning or cotton pressing factory shall be bound to produce any ginning register or press register maintained under this section when required so to do by any person appointed by the State Government in this behalf, and to furnish the Indian Central Cotton Committee, if so required by it in writing, a copy certified by him as correct, of the entry in any press register maintained at the factory relating to any specified bale.

(4) No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.

(5) If—

- (a) in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or

- (b) any entry in any such register is proved to be false in any material particular, or
- (c) any such register is destroyed before the expiration of the period referred to in subsection (4),

the owner of the factory shall be punishable with fine which may extend to two hundred and fifty rupees or if he has previously been convicted of any offence under this subsection, to fine which may extend to one thousand rupees.

(6) If the owner fails to produce any register, or to furnish a certified copy of any entry when required so to do under subsection (3), or furnishes a certified copy of any entry knowing or having reason to believe such copy to be false, he shall be punishable with fine which may extend to two hundred and fifty rupees, or, if he has previously been convicted of any offence under this subsection, to fine which may extend to one thousand rupees.

4. (1) The State Government may, by notification in the Official Gazette, prohibit, in any area specified in the notification, any admixture of cotton which is ginned or pressed in a cotton ginning or cotton pressing factory. Prohibition of admixture of cotton in specified areas and penalties therefor.

(2) In any area specified in the notification under subsection (1) if—

- (a) any owner of a cotton ginning or cotton pressing factory gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton, or
- (b) any person makes any admixture of cotton or abets or knowingly allows or connives at such admixture of cotton which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory ;

he shall, on conviction, be punishable with imprisonment of either description which may extend to six months or fine which may extend to five thousand rupees, or with both.

Penalty for
watering, etc.

5. (1) Any owner of a cotton ginning or cotton pressing factory who knowingly or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance or cotton waste gins or presses or allows such cotton to be ginned or pressed in such factory shall, on conviction, be punishable with fine which may extend to five thousand rupees.

(2) Any person who knowingly waters or wets any cotton or mixes seed or foreign substance or cotton waste with any cotton or abets or knowingly allows or connives at such watering, wetting or mixing of cotton, which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Explanation. For the purposes of this section, cotton shall be deemed to be watered or wetted if such cotton :—

(a) is knowingly watered or wetted, or

(b) contains moisture in excess of the normal amount, the normal amount being the amount of moisture that such cotton may reasonably be expected to contain regard being had to the place or places at or to which and the time or times of the year in which such cotton has been picked, collected, stored, conveyed, left, ginned or pressed.

(3) A certificate given by an officer authorised in this behalf by the State Government as to the normal amount of moisture that a given quantity of cotton may contain and the amount of moisture that it actually contains shall be evidence of such matters, until the contrary is proved, and if the

amount of moisture that cotton actually contains exceeds the normal amount, it shall be evidence, until the contrary is proved, that the cotton is watered.

6. (1) Any gazetted officer authorised by the State Government in this behalf may, of his own motion or on receipt of a complaint (together with the prescribed fee) that there has been a contravention of the provisions of section 4 or section 5 in respect of any cotton, cotton package or bale, cause such cotton or the contents of such package or bale to be examined by an officer authorised in this behalf; and for such purpose, he may take or cause to be taken a sample of such cotton.

Examination of
cotton packages
or bales.

(2) A certificate given by the authorised officer after examination of any cotton or the contents of any package or bale under subsection (1), shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

7. (1) The State Government may authorise any gazetted officer to enter and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any of the conditions subject to which such factory has worked or has been permitted to work and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

Entry and in-
spection.

(2) The owner of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under subsection (1).

(3) The owner of such factory shall, in every instance, be permitted to be present during the inspection, and anything seized during such inspection shall be sealed in the prescribed manner.

8. (1) The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press house, with a serial number and with the mark allotted to the factory.

Marking
of bales.

of

(2) Every such bale which contains cotton from the crop relating to the current season mixed with cotton from the crop relating to any previous season shall be clearly marked, in such manner as may be prescribed to distinguish it from bales containing exclusively cotton from the crop relating to the current season.

(3) If any bale is removed from the press house or any cotton pressing factory, without having been marked as required by subsection (1), the owner or person in charge of the factory shall be punishable with fine which may extend to two hundred and fifty rupees and if any bale to which the provisions of subsection (2) are applicable is so removed without being marked as required by that subsection the owner of the cotton pressing factory, if he was cognisant of the mixture, and the person (if any) being the owner of the cotton contained in the bale, to whose order it was pressed, shall be punishable with fine which may extend to two hundred and fifty rupees.

Returns.

9. (1) The owner or person in charge of every cotton ginning factory shall submit to the prescribed authority, within the prescribed time and in the prescribed form monthly returns showing the quantity of cotton ginned in the factory during the preceding month and from the commencement of the season to the end of that month.

(2) The State Government shall compile from the monthly returns submitted under subsection (1) and shall publish in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the State during the month and from the commencement of the season to the end of the month to which the returns relate :

Provided that the quantity of the cotton ginned in any individual factory shall not be published.

(3) The owner or person in charge of every cotton pressing factory shall submit to the prescribed authority, within the prescribed time and in the prescribed form weekly returns showing the total

number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of the week, and the approximate average net weight of the bales pressed in that week.

(4) The State Government shall compile from weekly returns submitted under subsection (3) and shall publish in such manner as it thinks fit a statement showing the total number of bales pressed in the State during the week and from the commencement of the season to the end of the week to which the returns relate :

Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by subsection (1) or subsection (3), the owner or person in charge of the factory shall be punishable with fine which may extend to two hundred and fifty rupees.

(6) Where the owner or person in charge of a cotton ginning or cotton pressing factory has notified to the prescribed authority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for him to submit returns under subsection (1) or subsection (3) until such work has been resumed.

10. (1) The scales or weights used in any cotton ginning or cotton pressing factory shall be those prescribed by the State Government under the Punjab Weights and Measures Act, 1941.

Scales
weights.

and

(2) If in any factory any scale or weight is used in contravention of the provisions of subsection (1), the owner or person in charge of the factory shall be punishable with fine which may extend to five hundred rupees or if he has been previously convicted of any offence under this subsection to fine which may extend to two thousand rupees.

Fixation
of pressing
ginning charges.

11. Government may, by notification in the official Gazette, and after hearing objections, if any, of persons interested, fix charges which may be charged by a factory for pressing, or ginning, or both. Such notification may apply to the whole State or to any part thereof.

Liability
of lessee or mort-
gagee as owner.

12. (1) Where the owner of a cotton ginning or pressing factory has leased or mortgaged with possession the factory for a period of not less than one month in the case of a cotton ginning factory, and three months in the case of a cotton pressing factory and retains no interest in the management or profits of the factory, and has given notice of the lease or mortgage to the prescribed authority, the owner shall hand over to the lessee or mortgagee all the registers maintained by him under section 3 before the commencement of the lease or mortgage. The lessee or the mortgagee as the case may be, shall be deemed to be the owner of the factory from the date of the notice and for the period of the continuance of the lease or mortgage for the purposes of section 3, in respect of the registers maintained or to be maintained from that date and for that period, and for the purposes of sections 4, 7, 8, 9, 10 and subsections (2) to (6) of section 14:

(2) On the termination of the lease or mortgage the lessee or the mortgagee shall hand over to the owner the registers maintained under section 3, and the owner shall forthwith report to the prescribed authority any default of the lessee or mortgagee in complying with the provisions of this subsection or in maintaining the registers in accordance with the provisions of section 3.

(3) Any person who fails to comply with any of the provisions of subsections (1) and (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

Liability
transfer
ownership.

13. (1) On transfer of the ownership of a cotton ginning or pressing factory the transferor shall hand over to the transferee the registers maintained under section 3 and the transferee shall forthwith report to the prescribed authority any default

of the transferor in complying with the provisions of this subsection or in maintaining the registers in accordance with the provisions of section 3.

(2) If default is made in handing over any register or making any report as required by subsection (1) the transferor or the transferee, as the case may be, shall be punishable with fine which may extend to two hundred and fifty rupees.

14. (1) In every cotton ginning factory the construction of which is commenced after the coming into force of this Act—

Structural requirements for factories.

(a) gin-houses shall be provided with separate entrances and exits for the bringing in of unginmed and the taking out of ginned cotton, respectively ; and

(b) construction shall be in accordance with the plan and specifications previously approved by the prescribed authority :

Provided that nothing in this subsection shall apply to any factory in which only single roller gins are used and where the number of such gins is not more than four.

(2) In any cotton ginning factory whether erected before or after the commencement of this Act :—

(a) no alterations or additions whether structural or in plant or in machinery shall be made so as to reduce the degree of compliance of the factory as a whole with the requirements set forth in clauses (a) and (b) of subsection (1); and

(b) every alteration or addition, whether structural or in plant or in machinery made after the commencement of this Act shall be in accordance with the plan and specifications previously approved by the prescribed authority :

Provided that nothing in this subsection shall apply to any factory in which, after any alteration or addition has been made, only single roller gins are used and where the number of such gins is not more than four.

(3) The owner of every cotton pressing factory in which cotton is handled on the ground floor shall cause the press-house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(4) If the owner of any factory fails to comply with any provisions of this section, he shall be punishable with fine which may extend to two hundred and fifty rupees.

(5) Where the owner of a factory has been convicted under subsection (4), the prescribed authority may serve on the owner of the factory an order in writing directing that such alterations shall be made in the factory, before a specified date, as are, in the opinion of the said authority necessary to secure compliance with the provisions of subsection (4), subsection (2), or subsection (3) as the case may be.

(6) Where the alterations are not made in accordance with the order served under subsection (5) the prescribed authority may serve on the owner, an order in writing directing that the work of ginning or pressing cotton in such factory shall be suspended until the alterations have been made in accordance with the said order, and the owner shall be punishable with fine which may extend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this subsection.

(7) For the purposes of this section the equivalent of other types of gins, such as double roller gins, and saw gins, in terms of single roller gins, shall be laid down by the prescribed authority.

15. Except when a closure is in accordance with any other law for the time being in force, the State Government shall have the power to prevent the closure of a Cotton Ginning and Pressing Factory, in the manner prescribed, if in their opinion such closure is the result of a monopoly or pooling for the purposes of depressing the price of cotton, and any such closure shall render the owner of such factory on conviction, liable to be punished with a fine which may extend to one thousand rupees for each day of such closure.

Restriction or
closure of facto-
ries.

16. Where the person guilty of an offence under this Act is company, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the default shall also be guilty of the offence and liable to punishment.

Liability of
officers of a
company.

17. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate or a Magistrate of the first class specially empowered in this behalf by the State Government.

Cognizance of
offences.

(2) No offence punishable under this Act shall be tried by any Court inferior to that of a Magistrate of the first class.

18. (1) The State Government may, by notification in the official gazette, make rules to carry out the purposes of this Act.

Power of the
State Govern-
ment to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely :—

- (a) the mixture of different varieties of cotton permissible under this Act ;
- (b) the proportion of seed that may be contained in the cotton ;
- (c) the authorisation of officers to examine and certify as to the actual amount of moisture that a given quantity of cotton

contains and the normal amount of moisture that such cotton should contain ;

- (d) the authorisation of the officers to examine cotton, cotton packages or bales under this Act ;
- (e) the manner in which anything seized under this Act may be sealed ;
- (f) levy of fees on complaints made under section 6 ;
- (g) the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales pressed in the factory and the manner in which such bales shall be marked under section 8 ;
- (h) the appointment of authorities for the purpose of sections 9, 12, 13, and 14 ;
- (i) the manner of service of orders made under section 13 ;
- (j) the form in which registers, records and returns are to be maintained or submitted and the time for submission of the returns ;
- (k) the period which shall from time to time constitute a season ;
- (l) the manner in which objections against pressing and ginning charges proposed to be fixed by Government are to be heard and disposed of ; and
- (m) any other matter which has to be, or may be, prescribed.

Power to re-
ject unmarked
bales in fulfil-
ment of con-
tract.

19. (1) Any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked with the mark allotted under section 8 for the factory in which they were pressed shall be supplied in fulfilment of such contract, and, if he so requires, no bales not so marked shall be tenderable in fulfilment of the contract.

I of
1872.

(2) Any bale marked in accordance with the provisions of section 8 shall, within the meaning of the Indian Evidence Act, 1872, be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was pressed.

20. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of the rules made thereunder. Protection or
action taken
under the Act.

21. Whoever wilfully obstructs any officer in the exercise of any power conferred upon him by this Act or the rules made thereunder or fails to produce on demand by such officer any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by such officer, shall be punishable with fine which may extend to five hundred rupees. Penalty for ob-
structing In-
spectors and for
failure to pro-
duce documents.

22. Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is otherwise provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made thereunder with fine, which may extend to fifteen hundred rupees. Penalty.

23. (1) The Cotton Ginning and Pressing Factories Act, 1925 (Act XII of 1925), in its application to Punjab is hereby repealed. Repeal and
Savings.

(2) Notwithstanding the said repeal, anything done and any action taken in exercise of any power conferred by or under the said Act shall unless inconsistent with this Act, be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act.

¹THE PUNJAB CO-OPERATIVE SOCIETIES ACT,
1954.

Punjab Act No. XIV of 1955

[Received the assent of the President on the 4th August, 1955, and was first published in Punjab Government Gazette (Extraordinary) of the 8th August, 1955.]

AN
ACT

to consolidate and amend the law relating to Co-operative Societies in the State of Punjab.

It is hereby enacted by the State Legislature in the Fifth Year of our Republic as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Co-operative Societies Act, 1954.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires—

- (a) "By-laws" means the registered by-laws for the time being in force, and includes a registered amendment of the by-laws;
- (b) "Committee or Board of Directors" means the governing body of a registered society to whom the management of its affairs is entrusted;
- (c) "Government" means Government of the State of Punjab;
- (d) "Member" includes a person or society joining in the application for the registration of a society and a person or society admitted to membership after registration in accordance with the by-laws and the rules;

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1954, page 478; for report of the Joint Select Committee, see *Punjab Government Gazette*, 1954; part V, page 39; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1954 and 1955.

- (e) "Officer" includes a President, Chairman, Secretary, Treasurer, member of committee, employee or any other person empowered under the rules or the by-laws to give directions in regard to the business of a registered society;
- (f) "Prescribed" means prescribed by rules made under this Act;
- (g) "Registered Society" means a society registered or deemed to be registered under this Act;
- (h) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act;
- (i) "Co-operative Society with limited liability" means a co-operative society the liability of whose members is limited by its by-laws to the amount, if any, unpaid on the shares individually held by them or to such amount as they may individually undertake to contribute to the assets of the society, in the event of its being wound up;
- (j) "Co-operative Society with unlimited liability" means a co-operative society the liability of whose members is unlimited for the purpose of contributing jointly and severally any deficiency in the assets of the society, in the event of its being wound up.

3. Government may appoint a person to be The Registrar. Registrar of Co-operative Societies for the State or any portion of it and may appoint persons by general or special order and confer on any such persons all or any of the powers under this Act; to assist such Registrar.

4. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such Societies which may be registered.

a society, may be registered under this Act with or without limited liability:

Provided that unless Government by general or special order otherwise directs the liability of a society of which a member is a registered society shall be limited.

Restrictions
on registration.

5. (1) No society, other than a society of which a member is a registered society, shall be registered under this Act, unless it consists of at least ten persons above the age of 18 years.

(2) The word 'limited' shall be the last word in the name of every society with limited liability registered under this Act.

Restrictions
on interest
of member of
society with limited
liability and
a share capital.

6. Where the liability of the members of a registered society is limited by shares, no member other than a registered society shall hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed or have or claim any interest in the shares of the society exceeding twenty-five thousand rupees, whichever is less.

Application
for registration.

7. (1) For purposes of registration an application shall be made to the Registrar.

(2) The application shall be signed—

(a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of section 5, subsection (1); and

(b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society, and where all the members of the society are not registered societies, by ten other members, or when there are less than ten other members, by all of them.

Registration.

8. (1) If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules made thereunder, and that its proposed by-laws are not contrary to the Act or to such rules, he may, register the society and its by-laws.

(2) In case of refusal by the Registrar to register the society and its by-laws, an appeal shall lie to Government within two months from the date of the communication of the order of refusal by registered post.

9. A certificate of registration signed by the Registrar shall be conclusive evidence of the fact that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled. Evidence of re-registration.

10. (1) No amendment of the by-laws of a registered society shall be valid until the same has been submitted to the Registrar and registered by him under this Act. Amendment of the by-laws of a registered society.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act, or to the rules, he may register the amendment and shall issue to the society a copy of the amendment so registered by him and such a copy shall be conclusive evidence of registration of the amendment.

(3) In case of refusal by the Registrar to register an amendment of the by-laws, an appeal shall lie to Government within two months from the date of communication of the order of refusal by registered post.

11. (1) A registered society may by a resolution of a general meeting and with the approval of the Registrar, change its name: but such change shall not affect any right or obligation of the society, or of any of its members or past members, and any legal proceedings pending may be continued by or against the society under its new name. Change of name.

(2) Any such change of name shall be duly registered in the same manner as an amendment to the society's by-laws.

12. (1) Subject to the proviso to section 4 and to any rules made in this behalf, a registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited : Change of liability.

Provided that :—

- (i) the society shall give at least six months' notice in writing in the manner prescribed of its intention to change its liability to all its members and creditors ;
- (ii) any member or creditor shall notwithstanding any by-laws or contract to the contrary, have the option of withdrawing his shares, deposits or loans as the case may be within three months of the service of such notice on him and the change shall not take effect until all such claims have been satisfied ; and
- (iii) any member or creditor who does not exercise his option within the period aforesaid shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to subsection (1), the change shall take effect at once if all the members and creditors assent thereto.

Division of societies.

13. (1) Any registered society may, at a general meeting specially called for the purpose of which at least one month's notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the proposed new societies and may specify the scope of operation and the members of the new societies, provided that none of the members of the parent society shall be excluded.

(2) (i) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(ii) Any member of the society may notwithstanding any by-law to the contrary, by notice given to the society within a period of three months from

his receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(iii) Any creditor of the society may notwithstanding any agreement to the contrary, by notice given to the society within the period, referred to in the last preceding clause intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a meeting of the general body of the society, of which at least fifteen clear days' notice shall be given to its members shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as in the opinion of the Registrar, are not material, he may, subject to the provisions of this Act register the new societies and the by-laws thereof. On such registration, the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final.

(4) At the meeting referred to in clause (3) provision shall be made by another resolution for—

- (i) the repayment of the share capital of all the members who have given notice, under clause (ii) of subsection (2); and
- (ii) the satisfaction of the claims of all the creditors who have given notice under clause (iii) of subsection (2):

Provided further that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in subsection (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in subsection (4) is not repaid or the claims of the creditors referred to in that clause, are not satisfied, the Registrar may refuse to register new societies.

(6) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new society in the manner specified in the preliminary resolution as confirmed under subsection (3).

**Amalgamation of
Societies.**

14. (1) Two or more registered societies may, at their respective general meetings specially called for the purpose of which at least one month's notice shall be given to their respective members, resolve to amalgamate into one society. Such resolution is hereinafter in this section referred to as the preliminary resolution.

(2) (i) A copy of the preliminary resolution of every such society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any by-law to the contrary, by notice given to the society of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(iii) Any creditor of any such society may, notwithstanding any agreement to the contrary, by notice given to the society of which he is a creditor within the period, referred to in the last preceding clause intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies, a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them

shall be convened for considering the preliminary resolution. If, at such meeting the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present either without changes or with such changes as, in the opinion of the Registrar, are not material, he may subject to the provisions of this Act register the new society and the by-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final.

(4) At the joint meeting referred to in subsection (3) provision shall be made by another resolution for—

- (i) the repayment of the share capital of all the members who have given notice, under clause (ii) of subsection (2), and
- (ii) the satisfaction of the claims of all the creditors who have given notice under clause (iii) of subsection (2) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in subsection (3).

(5) If, within such time as the Registrar considers reasonable the share capital of the members referred to in subsection (4) is not repaid or the claims of the creditors referred to in that subsection are not satisfied, the Registrar may refuse to register the new society.

(6) The registration of the new society shall be sufficient conveyance to vest in it all the assets and liabilities of the societies amalgamated.

15. No member of a registered society shall exercise the rights of a member unless or until he has made such payments to the society in respect of membership or acquired such interest in the society, as may be prescribed by the rules or by-laws.

Members not to exercise rights till the payment made.

Votes of mem-
bers.

16. (1) Subject to the exception mentioned in subsection (2) of this section, no member of a registered society shall have more than one vote in its affairs :

Provided that in the case of an equality of votes the Chairman shall have a second or casting vote.

(2) A registered society may appoint one or more of its members as laid down in the rules notified under this Act, to represent it in the affairs of any other registered society of which it is a member, and such member or members shall each have one vote.

(3) Save as provided under subsection (2) no proxies shall be allowed.

Restrictions on
transfer of
shares or
interests.

17. (1) The transfer or charge of the share or interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by the Act or by the rules.

(2) In case of a society registered with unlimited liability a member shall not transfer any share or charge held by him or his interest in the capital of the society or any part thereof unless—

(a) he has held such shares or interest for not less than one year ; and

(b) the transfer or charge is made to the society or to a member of the society.

Address of so-
cieties.

18. Every registered society shall have an address, registered in the manner prescribed to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof within 30 days of such change.

Copy of Act,
Rules and By-
laws to be open
to inspection.

19. Every registered society shall keep a copy of this Act and of the rules governing such society, and of its by-laws and also a list of its members, open to inspection free of charge at all reasonable times at the registered address of the society.

20. (1) The accounts of every registered society ^{Audit.} shall be audited at least once during any year, in such manner and through such authority or agency other than officers under the control of the Registrar as may be prescribed.

(2) The audit under subsection (1) shall include an examination of overdue debts, if any, the verification of cash balances and securities, and a valuation of the assets and liabilities of the society.

(3) (a) The authority or agency appointed under section 20 (1) to audit the accounts of any registered society shall have free access to the books, accounts, papers, vouchers, stock and other properties of such society and shall be allowed to verify its cash balances and securities.

(b) The Directors, managers and other officers of the society shall furnish to persons appointed to audit the accounts of a registered society all such information as to its transactions and working as such persons may require.

(4) The authority or agency prescribed under subsection (1) to audit the accounts of a registered society shall have power when necessary :—

(a) to summon at the time of his audit any officer, agent, servant, or member of the society who he has reason to believe can give valuable information in regard to transactions of the society or the management of its affairs ;

(b) to require the production of any book or document relating to the affairs of, or any cash or securities belonging to the society by the officer, agent, servant, or member in possession of such book, document, cash or securities.

(5) If at the time of audit the accounts of a society are not complete, authority or agency prescribed under subsection (1) to audit, may cause the accounts to be written up at the expense of the society.

(6) Audit-fee, if any, due from any registered society shall be recoverable as money due to the Government.

Inspection of
society.

21. The registrar, or any person authorised by general or special order in this behalf by the Registrar may inspect a registered society. For the purpose of inspection, the Registrar or the person so authorised by the Registrar shall at all times have access to all books, accounts, papers, vouchers, securities, stock and other property of the society and shall have power to verify the cash balances of the society and subject to the general or special order of the Registrar to call a committee and a general meeting. Every officer or member of the society shall furnish such information with regard to the working of the society as the Registrar or the person making such inspection may require.

Societies to be
bodies corpo-
rate.

22. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

Prior claim of
Societies.

23. Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent, a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past member—

- (a) in respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure—upon the crops or other agricultural produce of such member or person at any time within eighteen months from the date of such supply or loan ;
- (b) in respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials

for manufacture, or of the loan of money for the purchase of any of the foregoing things—upon any such things so supplied, or purchased in whole or in part from any such loan, or on any articles manufactured from raw materials so supplied or purchased.

24. A registered society shall have a charge upon the share or contribution, or interest in the capital and on the deposits of a member or past member, or deceased member and upon any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member or the estate of such deceased member to the society, and may set off any sum credited or payable to a member or past member or deceased member or the estate of deceased member in or towards payment of any such debt.

Charge and set off in respect of share, or contribution or interest of members.

25. Subject to the provisions of section 23, the share or contribution or interest of a member, past member, or deceased member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of any Court in respect of any debt or liability incurred by such member, and a Receiver under the Provincial Insolvency Act, 1907, shall not be entitled to or have any claim on such share or contribution or interest.

Share or contribution or interest not liable to attachment.

26. (1) On the death of a member a registered society may transfer the share or interest of the deceased member to the person nominated in accordance with the rules, made in this behalf, or, if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member, or pay to such nominee, heir or legal representative, as the case may be; a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws :—

Transfer of interest on death of member.

Provided that—

- (i) in the case of a society with unlimited liability, such nominee, heir or legal representative, as the case may be, may

require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid ;

(i) in the case of a society with unlimited liability, the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the rules and by-laws for membership of the society, or on his application within one month of the death of the deceased member to any person specified in the application who is so qualified ;

(iii) no such transfer or payment shall be made except with the consent of the nominee, heir or legal representative, as the case may be.

(2) A registered society shall subject to the provisions of section 23 and unless within six months of the death of the member prevented by an order of a competent Court, pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by the society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past members or of the estate of a deceased member.

27. (1) The liability of a past member or of the estate of a deceased member for the debts of a society as they existed on the date of his ceasing to be a member or of his decease, as the case may be, shall continue for a period of two years from such date.

(2) When a society is ordered to be wound up under section 44 the liability of a past member or of the estate of a deceased member whose membership ceased within two years of the date of the order of winding up shall continue until the entire liquidation proceedings are completed, but such liability shall extend only to the debts of the society as they existed at the time of his ceasing to be a member of the society.

28. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein—

Register
members.

of

(a) the date at which any person entered in such register or list became a member ;

(b) the date at which any such person ceased to be a member.

29. A copy of any entry in a book of a registered society regularly kept in the course of business, shall, if certified in such manner as may be prescribed be received in any suit or legal proceedings, as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

Admissibility of
copy of entry as
evidence.

30. Nothing in section 17, subsection (1), clauses (b) and (c) of the Indian Registration Act, 1908, shall apply to—

XVI of
1908.

Exemption from
compulsory re-
gistration of
instruments re-
lating to shares
and debentures
of registered so-
ciety and power
of attorney.

(1) any instrument relating to shares in a registered society notwithstanding that the assets of such society consist in whole or in part of immovable property ; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder thereof to the security afforded by a registered instrument whereby the society has mortgaged, conveyed, or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt
from income-
tax, stamp duty,
registration and
court fees.

31. (1) The Central Government, by notification in the official Gazette, may, in the case of any society or class of societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.

(2) The Government may by notification in the official Gazette in the case of any society or class of societies, remit—

- (a) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a society or by an officer or member and relating to the business of the society, or any class of such instruments or awards of the Registrar or arbitrators under this Act are respectively chargeable ; and
- (b) any fee payable under the law of registration and of court-fees for the time being in force.

State Govern-
ment may give
loans, contri-
bute to share
capital or gua-
rantee debentures,
share
capital or divi-
dend.

32. Subject to such conditions as it may impose Government may—

- (a) give loans to a registered society ;
- (b) subscribe towards the share capital of such a society ;
- (c) guarantee the payment of principal, debentures issued by such a society or of interest thereon or both or the repayment of the share capital of such a society to its members or the payment of dividend thereon at such rates as may be specified by the Government ;
- (d) guarantee the repayment of loans given by a co-operative bank to such a society.

Restrictions on
loans.

33. (1) A registered society may grant loans and conduct business only to such extent and under such conditions as may be permitted by this Act, the rules and the by-laws of the society.

(2) Except with the general or special sanction of the Registrar, a registered society shall not make a loan to any person or society other than a member.

(3) Save with the sanction of the Registrar, a registered society with unlimited liability shall not lend any money on the security of movable property.

(4) Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

34. A registered society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be laid down in the rules or the by-laws. Restrictions on borrowing.

35. Save as provided in sections 33 and 34 the transactions of a registered society with persons other than members shall be subject to such prohibitions and restrictions, if any, as Government may prescribe. Restrictions on other transactions with non-members.

36. (1) A registered society may invest or deposit its funds— Investment of funds.

(a) in the Post Office Savings Bank, or

(b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882, or

(c) in the shares or on the security of any other registered society, or

(d) with any bank carrying on the business of banking, approved for this purpose by the Registrar, or

(e) in any other mode permitted by the rules.

(2) Any investments or deposits made before the commencement of the Act which would have been valid if this Act had been in force are hereby ratified and confirmed.

Funds not to be divided by way of profit.

37. No part of the funds of a registered society shall be divided by way of bonus or dividend or otherwise among its members :

Provided that after at least one-tenth of the net profits in any year have been carried to a reserve fund, payments from the remainder of such profits and from any profits of past years available for distribution may be made among the members to such extent and under such conditions as may be prescribed by the rules or by-laws :

Provided also that in the case of a society with unlimited liability no distribution of profits shall be made without the general or special order of the Registrar in this behalf.

Contribution to charitable purpose.

38. Any registered society may, with the sanction of the Registrar, after one-tenth of the net profits in any year has been carried to a reserve fund, contribute an amount not exceeding ten per cent of the remaining net profits to any charitable purpose, as defined in section 2 of the Charitable Endowments Act, 1890. VI of 1890.

Inspection of affairs.

Enquiry by Registrar.

39. (1) The Registrar may of his own motion, or on the application of a majority of the committee, or of not less than one-half of the members, hold an enquiry or direct some person authorised by him by order in writing in this behalf to hold an enquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the person authorised by him under subsection (1) shall have the following powers, namely :—

- (a) he shall at all times have for purposes of examination, free access to the books, accounts, cash and other properties belonging to or in the custody of the society and may summon any person

in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place within the district within which the society has its registered address.

- (b) (i) He may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society and to consider such matters, as may be directed by him. If the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.
- (ii) Any meeting called under clause (b) (i) shall have all the powers of a general meeting called under the by-laws of the society and its proceedings shall be regulated by such by-laws.
- (c) He may summon any person who is reasonably believed by him to have any knowledge of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such persons on oath.

(3) The Registrar shall communicate a brief summary of the report of this enquiry to the society, the financing bank, if any, to which the society is affiliated, and to the person or authority, if any, at whose instance the enquiry is made.

40. (1) The Registrar shall, on the application of a creditor of a registered society, inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society :

Inspection of
books of indebted
society.

Provided that—

- (a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(b) the applicant deposits with the Registrar such sum as security for the cost of proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the result of any such inspection to the creditor.

Costs of enquiry. 41. Where an enquiry is held under section 39 or an inspection is made under section 40, the Registrar may apportion the costs, or such part of the costs, as he may think right, between the society, the members or creditor demanding an enquiry or inspection, and the officers or former officers and the members or past members of the society :

Provided that—

(a) no order of apportionment of the costs shall be made under this section unless the society or persons liable to pay the costs thereunder has or have been heard or had or have had a reasonable opportunity of being heard ;

(b) the Registrar shall state in writing under his own hand the grounds on which the costs are apportioned.

Recovery of Costs. 42. Any sum awarded by way of costs under section 41 may be recovered, on application to a Magistrate having jurisdiction in the place where the person, from whom the money is claimable, actually and voluntarily resides or carries on business, and such Magistrate shall recover the same as it were a fine imposed by himself.

Suspension of Committee. 43. (1) In societies in which Government have a major financial interest, if the Registrar, after an enquiry has been held under section 39 or inspection has been made under section 40, is of opinion that the committee of the society is mismanaging the affairs of the society, and that action under section 44 is not necessary, he may suspend the committee and appoint one or more persons to carry on the business of the society for a period not exceeding six months. The

period specified in such order may at the discretion of the Registrar be extended from time to time ; provided that no such order shall remain in force for more than one year in the aggregate. Such person or persons shall have all the powers of the committee :

Provided that no order suspending the committee shall be passed unless the committee has been given an opportunity to show cause against the action proposed to be taken in regard to it.

(2) The Registrar may fix any remuneration for such person or persons as he thinks fit and this shall be paid out of the funds of the society.

(3) The committee of the society aggrieved by such order of the Registrar may appeal within ninety days from the date of the order to the Government and the decision of the Government thereon shall be final.

Winding up and Dissolution of a Co-operative Society:

44. (1) The Registrar may, by an order in writing direct that a co-operative society shall be wound up if—

Order for the winding up of a co-operative society.

- (a) after an inspection has been made under section 40 or an enquiry has been held under section 39 ; or
- (b) on an application made upon a resolution carried by three-fourths of the members of the society present at a special general meeting called for the purpose ; or
- (c) on his own motion in the case of a society which—
 - (i) has not commenced working ; or
 - (ii) has ceased working ; or
 - (iii) has share-capital or members' deposits not exceeding five hundred rupees ; or
 - (iv) has ceased to comply with any condition as to registration in this Act or in the rules or by-laws ;

he is of the opinion that the society ought to be wound up.

(2) A copy of such order shall be communicated, by registered post to the society and to the financing bank, if any, of which the society is a member.

(3) Any member of the society ordered to be wound up may prefer an appeal to the Government against such order within two months of the date of communication of the order.

(4) The order shall take effect—

(a) where no appeal is preferred under subsection (3) on the expiry of the time allowed for preferring an appeal or (b) where an appeal is preferred, upon rejection of the appeal by the appellate authority.

Appointment of
a liquidator.

45. When an order is passed under section 44, for the winding up of a co-operative society, the Registrar may, in accordance with the rules, appoint a person to be liquidator of the society and may remove such person and appoint another in his place.

Powers of
liquidator.

a 46. (1) Notwithstanding anything contained in section 44 relating to the date on which an order for winding up a co-operative society shall take effect, a liquidator appointed under section 45 shall have power from the date of his appointment to take immediate possession of all assets, properties, effects and actionable claims of the society or to which the society is entitled and of all books, records and other documents pertaining to the business of the society.

(2) From the date on which the order directing the winding up of the society takes effect the liquidator shall, subject to the rules and under the general direction and control of the Registrar, have power, so far as is necessary for the winding up of the society ; on behalf of the society to carry on the business thereof and to do all acts and execute all documents necessary to such winding up, and in particular shall exercise such of the following powers as the Registrar may from time to time direct, namely :—

(a) to institute and defend suits and other legal proceedings ;

- (b) to make any compromise or arrangement with any person between whom and the society there exists any dispute and to refer any such dispute to arbitration ;
- (c) to determine the debts due to the society by a member, past member or the estate nominees, heirs or legal representatives of a deceased member ;
- (d) to calculate the costs of liquidation and to determine by what persons and in what proportions they are to be borne ;
- (e) to determine from time to time the contributions, including the items mentioned in clauses (c) and (d), to be made to the assets of the society by the members, past members or estates, nominees, heirs and legal representatives of deceased members or by the past or present officers of the society ;
- (f) to investigate all claims against the society and, subject to the provisions of this Act, to decide questions of priority arising between claimants ;
- (g) to pay claims against the society (including interest up to the date of the order for the winding up thereof) according to their priority, in full or rateably as the assets of the society permit ;
- (h) to give such directions as appear to him to be necessary in regard to the realisation, collection and distribution of the assets of the society ; and
- (i) after consulting the members of the society to dispose of the surplus, if any, remaining after paying the claims against the society, in such a manner as may be prescribed by the rules.

47. Notwithstanding anything contained in the Provincial Insolvency Act, 1920, the contribution assessed by a liquidator shall rank next to debts due to the Government or to any local authority in order of priority in insolvency proceedings.

V of 1920

Priority of contributions assessed by liquidator.

Liquidator to
deposit the books
and submit a
final report.

48. When the affairs of a co-operative society have been wound up the liquidator shall deposit the records of the society in the manner prescribed by the Rules and shall make a report to the Registrar.

Power of Re-
gistrar to cancel
order of wind-
ing up or of re-
gistration of a
co-operative so-
ciety.

49. (1) The Registrar may cancel an order for the winding up of a co-operative society at any time in any case where, in his opinion; the society should continue to exist.

(2) In any other case the Registrar may after considering the report of the liquidator made to him under section 48 order the registration of the society to be cancelled.

(3) An order passed under subsection (2) shall be communicated by Registered post to the President of the society and to the financing bank of which the society was a member.

(4) Any member or creditor of the society may appeal to the Government against the order of cancellation of the society within two months of the date of communication of the order to the President of the society or the financing bank.

(5) The order of cancellation of the society shall take effect :—

(a) where no appeal is preferred under subsection (4) on the expiry of the period allowed for preferring an appeal, or

(b) where an appeal is preferred, upon rejection of the appeal by the appellate authority.

Determination
of disputes.

50. (1) If any dispute, other than a dispute regarding disciplinary action taken by a society or its managing committee against a paid servant of the society, touching the constitution or business of a society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent, or servant of the society past or present, or the liquidator of the society or between the society or its committee and any officer, agent, member; or servant of

the society past or present, and the liquidator of the society or between two registered societies or between a society and liquidator of another society or between liquidators of different societies, it shall after due notice in the manner prescribed to all parties concerned be referred to the Registrar for decision by himself or his nominee or if either of the parties so desires, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned. In case a party fails to nominate an arbitrator, within one month of the service of the due notice; the Registrar shall have the power to do so.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a deceased member whether such debts or demands be admitted or not :

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall take action as laid down in paragraph 1 of this section.

(2) Where any dispute is referred under subsection (1) for decision by the Registrar's nominee or to arbitration of arbitrators, the Registrar may, at any time, for reasons to be recorded in writing, withdraw such dispute from his nominee or the arbitrators, as the case may be, and may decide the dispute himself or refer it again to any other nominee appointed by him for decision :

Provided that no such dispute shall be withdrawn except on any of the following grounds :—

- (i) the Registrar's nominee or the arbitrators have failed to decide the dispute within two months or such further period as may be allowed by the Registrar ;

- (ii) the proceedings before the Registrar's nominee or any of the arbitrators are vitiated in consequence of corruption or misconduct on the part of the Registrar's nominee or any of the arbitrators, as the case may be.

(3) When any question arises whether for the purposes of this section a matter referred for decision is a dispute or not, the question shall be decided by the Registrar whose decision shall be final.

(4) In the case of a dispute involving property which is given as collateral security, it shall be competent to the person deciding such dispute to issue a mortgage award which shall have the same force as a mortgage decree of a competent civil court.

(5) (a) Any party not satisfied with the award given by the Registrar's nominee or by the arbitrators under subsection (1) may appeal to the Registrar within two months of receiving notice of the award.

(b) When an award is under consideration, in revision or on appeal, the Registrar may order the court in which such award is pending for execution, to stay the execution proceedings, and may call for the file of the case.

(6) The decision given by the Registrar under subsection (1) or on appeal under subsection (5) and, when no appeal is filed, the decision by the Registrar's nominee or by the arbitrators shall be final and shall not be called in question in any civil or revenue court.

(7) Notwithstanding anything contained in subsection (6)—the Government or the Registrar may either suo motu or on the application of a party to a reference revise any decision on the original reference or on appeal, passed by a subordinate authority exercising the powers of the Registrar under this section, or by the Registrar's nominee or by the arbitrators.

51. Where the Registrar is satisfied that a party to any reference made to him under subsection (1) of section 50 with intent to defeat or delay the execution of any decision that may be passed thereon is about to—

Attachment before award

- (a) dispose of the whole or any part of his property, or
- (b) remove the whole or any part of the property from the local limits of the jurisdiction of the Registrar, the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary. Such attachment shall be executed by a civil court having jurisdiction in the same way as an attachment order passed by itself and shall have the same effect as such an order :

Provided that the powers of the Registrar under this section shall not be delegated to any officer below such rank as the Government may prescribe in this behalf.

52. Where in this Act it is provided that the Registrar or person duly authorised by general or special order in writing by the Registrar in this behalf, shall hold an inspection or shall wind up a society or shall arbitrate or decide a dispute, the Registrar or persons so authorised as the case may be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to examine them on oath, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908.

Power to enforce attendance of witnesses and production of documents.

V of 1908.

53. (1) Every order duly passed by a liquidator or by the Registrar, his nominee or arbitrators under section 50 or by the Registrar in appeal or revision under section 50, may, if not carried out, be

Money how recovered.

referred for execution to a civil court having jurisdiction and such civil court shall execute it in the same manner as if it were a decree passed or being executed by itself.

(2) The orders described in this section shall be in such form as may be prescribed in this behalf.

Prohibition of the use of the word Co-operative.

54. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word 'Co-operative' or its local equivalent as notified in the *Punjab Government Gazette* is part, without the sanction of Government :

Provided that nothing in this section shall apply to the use of the word 'Co-operative' by any person or his successor in interest in any name or title under which he traded or carried on business on the date on which the Co-operative Societies Act II of 1912 came into operation. II of 1912.

(2) Whoever contravenes the provisions of this subsection (1) shall be punishable with fine which may extend to fifty rupees, and in the case of continuing offence with further fine of five rupees for each day on which the offence is continued after conviction thereof.

Miscellaneous

Recovery of sums due to Government.

55. (1) All sums due from a registered society or from any officer, former officer, or member, or past or deceased member of a registered society, as such, to Government may be recovered according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

(2) Sums due from a registered society to the Government and recoverable under subsection (1) may be recovered, firstly, from the property of the society ; secondly, in the case of a society of which the liability of the members is limited, from the members, past members or the estates of the deceased members, subject to the limit of their liability; and, thirdly in the case of other societies from the members, past members or the estates of the deceased members.

(3) The liability of past members, or the estates of deceased members shall in all cases be subject to the provisions of section 27.

56. Notwithstanding anything contained in this Act, Government may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society or class of societies from any of the requirements of this Act as to registration.

Power to exempt societies from conditions as to registration.

57. Government may, by general or special order to be published in the official Gazette, exempt any registered society, or class of registered societies from any of the provisions of this Act, or may direct that such provisions shall apply to such societies or class of societies with such modification as may be specified in the order.

Power to exempt registered societies from provisions of the Act.

58. Any person appointed as liquidator under the provisions of this Act or the rules thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Liquidator to be public servant.

XLV of 1860.

59. No suit shall be instituted against a registered society or any of its officers in respect of any act touching the business of the society until the expiration of three months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims, and the plaint shall contain a statement that such notice has been so delivered or left.

Notice necessary in suits.

60. (1) Government may, for any registered society or class of such societies, make rules to carry out the purpose of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) subject to the provisions of section 6 prescribe the maximum number of shares or portion of the capital of a registered society which may be held by a member ;

- (b) prescribe the form to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications ; —
- (c) subject to the provisions of section 12 prescribe the procedure to be followed when societies change their liability ;
- (d) prescribe the matters in respect of which the society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws; and the conditions to be satisfied prior to such making, alteration or abrogation ;
- (e) prescribe the conditions to be complied with by persons applying for admission or admitted as members; and provide for the election and admission of members and for the payment to be made and the interests to be acquired before the exercise of the right of membership ;
- (f) regulate the manner in which funds may be raised by means of shares and debentures or otherwise ;
- (g) provide for general meeting of the members and for the procedure at such meetings and the powers to be exercised by such meetings ;
- (h) prescribe the prohibitions and restrictions subject to which societies may transact business with persons who are not members ;
- (i) prescribe the proportion of individual and societies in the constitution of the committee of management and the general body of a registered society of which another registered society is member ;
- (j) provide for the appointment; suspension and removal of the members of the committee and other officers, and for procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers ;

- (k) prescribe rules for the appointment and regulation of work entrusted to person or persons replacing committee in pursuance of section 43 ;
- (l) prohibit a registered society from electing a defaulting member on its committee or to be its representative ;
- (m) prescribe the accounts and books to be kept by a registered society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance-sheet showing the assets and liabilities of a registered society ;
- (n) prescribe the returns to be submitted by a registered society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted and in case of failure to submit any such returns for the levy of expenses of preparing it ;
- (o) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies ;
- (p) provide for the formation and maintenance of a register of members and where the liabilities of the members are limited by shares, of a register of shares;
- (q) provide for—
 - (i) the appointment of an arbitrator, or arbitrators to decide disputes ;
 - (ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other persons deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reasons of unsoundness of mind or mental infirmity, is incapable of protecting his interests ;

- (iii) the levy of the expenses relating to such proceedings ;
- (r) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members or the estates of deceased members ;
- (s) provide for the mode in which the value of a deceased member's shares or interest shall be ascertained, and for the nomination of a person to whom such share or interest may be paid or transferred ;
- (t) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which any loans may be made, and the maximum amount which may be lent to any member ;
- (u) provide for the information and maintenance of reserve funds, and the objects to which such funds may be applied; and for the investment of any funds under the control of a registered society ;
- (v) prescribe the extent to which a registered society may limit the number of its members ;
- (w) prescribe the conditions under which profits may be distributed to the members of a registered society with unlimited liability, and the maximum rate of dividend which may be paid by registered societies ;
- (x) provide for the writing off of bad debts :
- (y) prescribe the procedure to be followed by a liquidator appointed under section 45 in respect of provisions of section 46 ;
- (z) prescribe the procedure to be followed in presenting and disposing of appeals under this Act ;
- (aa) prescribe the procedure to be followed by the Registrar in hearing parties under the proviso to section 50 ;

- (bb) prescribe the form of orders to be executed as decrees under section 53 ;
- (cc) provide for the issue and service of processes and for proof of service thereof ;
- (dd) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same ;
- (ee) provide for—
 - (i) the manner of effecting distraint ;
 - (ii) the custody, preservation and sale of distraint property ;
 - (iii) the investigation of claims by persons other than the defaulter to any right or interest in the distraint property, and for the postponement of the sale pending such investigation ;
 - (iv) the immediate sale of perishable articles.

(3) Government may delegate subject to such conditions, if any, as it thinks fit all or any of its powers to make rules under this section to any authority specified in the order of delegation.

(4) All rules made under this section shall be subject to the condition of previous publication and shall be laid before both Houses of the State Legislature as soon as may be after they are made.

61. The provisions of the ^{Indian Companies} Indian Companies Act, 1913, shall not apply to registered societies. ^{Indian Companies Act not to apply.}

62. (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under the corresponding provisions of this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded. ^{Saving of existing societies.}

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the said Acts shall, so

¹Since repealed and replaced by Act I of 1956.

far as they are consistent with the provisions of this Act, be deemed to have been respectively made, issued and instituted under this Act; save that an order made cancelling the registration of a society shall be deemed, unless the society has already been finally liquidated, as an order issued under section 44 of this Act for its being wound up.

Repeal and saving.

63. The Co-operative Societies Act, 1912, in its application to Punjab is hereby repealed; but notwithstanding such repeal, anything done or any action taken under the repealed Act shall, to the extent of being consistent with this Act, be deemed to have been done or taken under this Act. II of 1912.

¹THE PUNJAB PROHIBITION OF COW SLAUGHTER ACT, 1955

[Punjab Act No. 15 of 1956]

[Received the assent of the President on 21st June, 1956, and was first published in Punjab Government Gazette (Extraordinary) dated the 27th June, 1956.]

AN ACT

to prohibit the slaughter of cow and its progeny in Punjab.

BE it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Prohibition of Cow Slaughter Act, 1955.
- (2) It extends to the whole of the State of Punjab.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—
 - (a) “beef” means flesh of cow in any form but does not include flesh of cow contained in sealed containers and imported into Punjab ;

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1955, page 831.

- (b) beef-products include extraction from beef ;
- (c) "cow" includes a bull, bullock, ox, heifer, or calf ;
- (d) "prescribed" means prescribed by rules made under this Act ;
- (e) "slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course will cause death ;
- (f) "Government" means the Government of Punjab ; and
- (g) "uneconomic cow" includes stray, unprotected, infirm, disabled, diseased or barren cow.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place in Punjab : Prohibition of cow slaughter.

Provided that killing of a cow by accident or in self defence will not be considered as slaughter under the Act.

4. (1) Nothing in section 3 shall apply to the slaughter of a cow— Exceptions.

- (a) whose suffering is such as to render its destruction desirable according to the certificate of the Veterinary Officer of the area or such other Officer of the Animal Husbandry Department as may be prescribed ; or
- (b) which is suffering from any contagious or infectious disease notified as such by the Government ; or

(c) which is subjected to experimentation in the interest of medical and public health research by a certified medical practitioner of the Animal Husbandry Department.

(2) Where it is intended to slaughter a cow for the reasons specified in clause (a) or clause (b) of subsection (1) it shall be incumbent for a person doing so to obtain the prior permission in writing of the Veterinary Officer of the area or such other Officer of the Animal Husbandry Department as may be prescribed.

Prohibition
of sale of beef.

5. Excepted as herein excepted and notwithstanding anything contained in any other law for the time being in force, no person shall sell or offer for sale or cause to be sold beef or beef-products in any form except for such medicinal purposes as may be prescribed.

Establishment of
institutions.

6. There shall be established by the Government or by any local authority, when so directed by the Government, institutions for the reception, maintenance and care of uneconomic cows.

Levy of charges
of fees.

7. The State Government or the local authority, if so authorised, may levy such fees as may be prescribed for care and maintenance of uneconomic cows in the institution.

Penalty.

8. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or 5 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Whoever fails to lodge the information in the manner and within the time stated in subsection (2) of section 4 shall be guilty of an offence punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to two hundred rupees or with both.

Burden of proof.

(3) In any trial for an offence punishable under subsection (1) or subsection (2) the burden of proving that the slaughtered cow belonged to the class

specified in clause (a) or (b) of subsection (1) of section 4 shall be on the accused.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under subsection (1) of section 8 shall be cognisable and non-bailable. Offences to be cognisable and non-bailable.

10. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

(2) Without prejudice to the generality of foregoing powers, such rules may provide for—

- (a) the conditions and the circumstances under which cows may be slaughtered under subsection (1) of section 4 ;
- (b) the manner in which diseases shall be notified under subsection (1) (b) of section 4 ;
- (c) the manner in which permission shall be obtained under subsection (2) of section 4 ;
- (d) the form and contents of the certificate mentioned in sub-clause (a) of subsection (1) of section 4 and the authorities competent to grant it ;
- (e) the manner in which and conditions under which beef or beef-products are to be sold under section 5 ;
- (f) the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in section 6 ;
- (g) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority ; and
- (h) the matters which are to be and may be prescribed.

'THE SCHEDULED AREAS TRADERS' (FACILITIES
FOR LOANS) ACT, 1956.

[PUNJAB ACT NO. 31 OF 1956].

[Passed by the Legislature of the State of Punjab and Received the assent of the Governor of Punjab on 20th September, 1956; and was first published in the Punjab Government Gazette (Extraordinary), of the 24th September, 1956.]

to provide for extension of Loan Facilities to certain traders of Lahaul and Spiti Areas.

BE it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of Indian as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Scheduled Areas Traders' (Facilities for Loans) Act, 1956.

(2) It extends to the Scheduled Areas of Lahaul and Spiti in the State of Punjab.

(3) It shall be deemed to have come into force on 4th May, 1956.

Power of State Government to make rules.

2. (1) The State Government or the Financial Commissioner, subject to the control of the State Government, may make rules as to loans to be made for the relief of distress of the traders of the scheduled areas of Lahaul and Spiti to enable them to carry on their businesses affected by the calamity of early snowfall in October, 1955.

(2) All such rules shall be published in the Official Gazette.

Recovery of loans.

3. Every loan made in accordance with such rules, all interest, chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made or from any person who has become surety for the repayment thereof, as if they were arrears of land revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Repeal.

4. The Scheduled Areas Traders' (Facilities for Loans) Ordinance, 1956, is hereby repealed.

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1956, page 1098.

THE CATTLE TRESPASS ACT, 1871.

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SCHEDULE [*REPEALED*].

¹THE CATTLE TRESPASS ACT, 1871.
[Act No. I of 1871]

1	2	3	4
No.	Year	Short Title	Whether affected by later legislation
1	1871	The Cattle Trespass Act, 1871	Amended by Act I of 1891 Amended by Act X of 1914 Amended by Act XVII of 1921 Amended in its application to Punjab by Punjab Act XXIV of 1952 Adapted by A. O. 1937 A. O. 1948 A. O. 1950

An Act to consolidate and amend the law relating to Trespasses by Cattle.

WHEREAS it is expedient to consolidate and amend the law relating to trespasses by cattle; it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

²1. (1) This Act may be called the Cattle-trespass Act, 1871 ; and

(2) It extends to ³[the whole of India except Part B States] and the Presidency towns and such local areas as the ⁴[State Government] by notification in the official Gazette, may from time to time exclude from its operation.]

(3) * * * * *

2. [Repeal of Acts. References to repealed Acts].
Repealed by the Repealing Act, 1938 (I of 1938), Section 2 and Schedule.

¹For the Statement of Objects and Reasons, see Gazette of India, 1870, Pt. V. p. 310, for Proceedings in Council, see *ibid*, Supplement, pp. 1150, 1200, 1290, and Supplement, 1871, p. 178.

This Act has been amended locally :—

- in Ajmer by Ajmer Act, 5 of 1954 ;
- in Assam by Assam Act, I of 1936 ;
- in Bombay by Bombay Acts, 9 of 1924, 4 of 1926, and 5 of 1931 ;
- in Madhya Pradesh by C. P. Acts, 12 of 1935, 22 of 1937, and C. P. & B. Act, 27 of 1948 ;
- in Orissa by Orissa Acts, 15 of 1948 and 23 of 1950 ;
- in U. P. by U. P. Act, 7 of 1954 ;
- in West Bengal by Bengal Acts, 5 of 1934, 14 of 1947, and West Bengal Act, 7 of 1948 ;
- in Punjab by Punjab Act, 24 of 1952.

²This section was substituted for the original section by s. 1 of the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891).

³Substituted by the Adaptation of Laws Order, 1950, for “all the Provinces of India”.

⁴Substituted by the Adaptation of Laws Order, 1950, for “Provincial Government”.

⁵Sub-section (3) was repealed by s. and second Schedule of the Repealing and Amending Act, 1914 (10 of 1914).

(Chapter I.—Preliminary. Chapter II.—Pounds and Pound-keepers.)

Interpretation
clause

3. In this Act,—

“Officer of police” includes also village watchmen, and “cattle” ¹[does not include such bulls as are let loose for stud purposes and are specified by a notification in the official Gazette in this behalf, but] includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids, ²and

³“local authority” means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area; and

“local fund” means any fund under the control or management of a local authority.]

CHAPTER II.

POUNDS AND POUND-KEEPERS.

Establishment
of pounds.

4. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the ⁴[State Government] from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

Control of
pounds. Rates
of charge for
feeding im-
pounded cattle.

5. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

Appointment of
pound-keepers.

6. ⁵[The State Government shall appoint a pound-keeper for every pound.

Pound-keepers
may hold other
offices.

Any pound-keeper may hold simultaneously any other office under the ⁶[Government].

Pound-keepers
to be public ser-
vants.

Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code.]

XLV of
1860.

¹Inserted for Punjab, by Punjab Act XXIV of 1952. For Statement of Objects and Reasons, see *Punjab Government Gazette*, (Extraordinary), 1952, Pages 677-78; for report of the Select Committee, see *Punjab Government Gazette*, 1952, Part V, Pages 32-46; and for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952, Vol. LL, Pages (30)28—(30)50.

²Added by s. 2 of the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891).

³C. F. definition in S. 3 of the General Clauses Act, 1897, which applies to all Acts passed after the 14th January, 1887.

⁴Substituted for the words “Provincial Government” by the Adaptation of Laws Order 1950.

⁵Substituted for the former section by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁶Substituted for “Crown” *ibid*.

Duties of pound-keepers.

7. Every pound-keeper shall keep such registers and furnish such returns as the ¹[State Government] from time to time directs. To keep registers and furnish returns.

8. When cattle are brought to a pound, the pound-keeper shall enter in his register— To register seizures.

(a) the number and description of the animals,

(b) the day and hour on and at which they were so brought,

(c) the name and residence of the seizer, and

(d) the name and residence of the owner, if known,

and shall give the seizer or his agent a copy of the entry.

9. The pound-keeper shall take charge of, feed and water the cattle, until they are disposed of as hereinafter directed. To take charge of and feed cattle.

CHAPTER III.

IMPOUNDING CATTLE.

1. The cultivator or occupier of any land, or any person who has advanced cash for the cultivation of the crop or produce on any land, Cattle damaging land.

or the vendee or mortgagee of such crop or produce, or any part thereof, ²[or any person authorized in this behalf, either by name or by virtue of office, by Government], may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and ⁴[send them or cause them to be sent within twenty-four hours] to the pound established for the village in which the land is situate.

All officers of police shall, when required, aid in preventing (a) resistance to such seizures, and (b) rescues from persons making such seizures. Police to aid seizures.

⁵ 11. Persons in charge of public roads, pleasure grounds, plantations, canals, drainage-works, embankments and the like and officers of police, may seize, or cause to be seized, any cattle doing damage to such roads, grounds, Cattle damaging public roads, embankments.

¹Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

²This section has been substituted in Madhya Pradesh in its application to that State, by the Cattle-trespass (C. P. Amendment Act, 1935 (C. P. 12 of 1935).)

⁴Inserted for Punjab, by the Cattle Trespass (Punjab Amendment) Act, 1952 (Punjab Act XXIV of 1952).

⁵Substituted for the words "take them or cause them to be taken without unnecessary delay" by s. 3 of the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891).

⁶As to the application of section 11 to forests, see the Indian Forest Act, 1927 (16 of 1927); to Railways, see the Indian Railways Act, 1890 (9 of 1890); this section has also been amended in its application to Madhya Pradesh by C. P. Act, 12 of 1935.

plantations, canals, drainage-works, embankments, and the like, or the sides or slopes of such roads, canals, drainage-works, or embankments, or found straying thereon.

and shall ¹[send them or cause them to be sent within twenty-four hours] to the nearest pound.

Fines for cattle
impounded.

²12 For every head of cattle impounded as aforesaid, the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the ³[State Government] in this behalf by notification in the official Gazette. Different scales may be prescribed for different local areas.

All fines so levied shall be sent to the Magistrate of the District through such officer as the ³[State Government] may direct.

List of fines
and charges for
feeding.

A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.]

CHAPTER IV.

DELIVERY OR SALE OF CATTLE.

Procedure when
owner claims
the cattle and
pays fines and
charges.

13. If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

The owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

Procedure if
cattle be not
claimed within a
week.

14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating—

- (a) the number and description of the cattle,
- (b) the place where they were seized,
- (c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction

¹Substituted for the words "taken them without unnecessary delay" by s. 4 of Act, I of 1891.

²Substitute by Act, 17 of 1921, for the original section, see section 71 of the Indian Forest Act, 1927, under which the State Government may fix different scale of fines for cattle impounded under section 70.

³Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs :

Provided that, if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

15. If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal, and that the owner is about to make a complaint under section 20, then upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

Delivery to owner disputing legality of seizure, but making deposit:

16. If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time and subject to such conditions, as are referred to in section 14.

Procedure when owner refuses or omits to pay the fines and expenses.

The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

Deduction of fines and expenses.

The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing.—

Delivery of unsold cattle and balance of proceeds.

- (a) the number of cattle seized,
- (b) the time during which they have been impounded,
- (c) the amount of fines and charges incurred,
- (d) the number of cattle sold,
- (e) the proceeds of sale, and
- (f) the manner in which those proceeds have been disposed of.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account.

Receipt.

17 . The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

Disposal of fines, expenses and surplus proceeds of sale.

The charges for feeding and watering deducted under section 16 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section 13.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit ¹[and, if no claim thereto is preferred within six months from the date of deposit or, if such claim having been preferred within this period is not established, such proceeds shall stand forfeited to the State].

18. [Application of fines and unclaimed proceeds of sale.] Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.

Officers and pound-keepers not to purchase cattle at sales under Act.

19. No officer of police, or other officer or pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Act.

Pound-keepers when not to release impounded cattle.

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court.

²[CHAPTER V

COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION

Power to make complaints.

20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a ³complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Procedure on complaint.

21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against and make an inquiry into the case.

¹Substituted in its application to Punjab, by the Cattle Trespass (Punjab Amendment) Act, 1952 (Punjab Act, XXIV of 1952), for the words "for three months, and if no claim thereto be preferred within that period shall, at its expiry, be deemed to hold them as part of the revenues of the State".

²This Chapter was substituted for the original Chapter by s. 6 of the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891).

³The term "offence" as defined by S. 4 (O) of the Code of Criminal Procedure, 1898 (5 of 1898), includes any act in respect of which a complaint may be made under this section. Offences under this section may be tried in a summary way. See Act 5 of 1898, s. 260 (I) (m).

22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle.

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release, and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

23. The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.¹

CHAPTER VI

PENALTIES.

24. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act.

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act,

shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees or with both.

² 25 Any fine imposed ³[under the next following section or] for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Recovery of penalty for mischief committed by causing cattle to trespass.

¹See ss. 63 to 70 of the Indian Penal Code, 1860 (Act 45 of 1860) and s. 386 of the Code of Criminal Procedure, 1898 (Act 5 of 1898); of also s. 25 of the General Clauses Act, 1897 (10 of 1897).

²As to the application of s. 25 in the case of cattle trespassing on a railway, see the Indian Railways Act, 1890 (9 of 1890), s. 125(3).

³Inserted by s. 7 of the Cattle Trespass Act (1871) Amendment Act, 1891 (I of 1891).

Penalty for
damage caused
to land or crops
or public roads
by pigs.

26. ¹(1) Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

²[The ³[State Government], by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words "fifty rupees" were substituted for the words "ten rupees" or as if there were both such reference and such substitution.]

* * * * *

⁵[(2) While convicting such person, the Magistrate may also—

- (a) require him to pay to the person whose land, crop or produce has been damaged such compensation, not exceeding two hundred and fifty rupees, as may be considered reasonable, and
- (b) order that the cattle in respect of which the offence has been committed shall, in addition to any other penalty imposed, be forfeited to the State.]

Penalty on
pound-keeper
failing to per-
form duties.

27. Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19 or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

¹Existing section 26, renumbered as sub-section (1), and new sub-section (2) added, for Punjab, by The Cattle-trespass (Punjab Amendment) Act, 1952 (Punjab Act XXIV of 1952).

²This paragraph was added by s. 8 of the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891).

³Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

⁴The last paragraph of s. 26 was repealed by s. 3 and the Second Schedule of the Repealing and Amending Act, 1914, (10 of 1914).

⁵New sub-section added in its application to Punjab by Punjab Act XXIV of 1952.

Such fines may be recovered by deductions from the pound-keeper's salary.

section 27 may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of

28. All fines recovered under section 25, section 26 or the convicting Magistrate.

Application of fines recovered under section 25, 26 or 27.

CHAPTER VII

SUITS FOR COMPENSATION

29. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent Court.

Saving of right to sue for compensation.

30. Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set-off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Set-off.

¹CHAPTER VIII

SUPPLEMENTAL

31. The ²[State Government] may from time to time, by notification in the official Gazette,—

Power for State Government to transfer certain functions to local authority and direct credit of surplus receipts to local fund,

(a) transfer to any local authority within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the ²[State Government] or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, ³[* * * *]

* * * *

SCHEDULE

[Repealed by the Repealing Act, 1938 (I of 1938), section 2 and Schedule.]

¹Ch. VIII was added by s. 9, of the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891).

²These words were substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

³Certain words were repealed by s. 3 and the Second Schedule of the Repealing and Amending Act, 1914 (10 of 1914) and the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴A new s. 32 has been inserted in Bengal by the Cattle-trespass (Bengal Amendment) Act, 1934 (Ben. 5 of 1934).

THE INDIAN FISHERIES ACT, 1897. CONTENTS

SECTIONS.

1. Title and extent.
2. Act to be read as supplemental to other Fisheries Laws.
3. Definitions.
4. Destruction of fish by explosives in inland waters and on coasts.
5. Destruction of fish by poisoning of waters.
6. Protection of fish in selected waters by rules of Local Government.
7. Arrest without warrant for offences under this Act.

¹THE INDIAN FISHERIES ACT, 1897. [ACT IV OF 1897.]

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor-General on
the 4th February, 1897.)

AN ACT TO PROVIDE FOR CERTAIN MATTERS RELATING TO FISHERIES * * 2 *

WHEREAS it is expedient to provide for certain matters relating to fisheries * * 2 * ; It is hereby enacted as follows :—

Title and extent.

1. (1) This Act may be called the Indian Fisheries Act, 1897.

(2) It extends to ³[the whole of India, except Part B States] * 4 * *

Act to be read as supplemental to other Fisheries Laws.

2. Subject to the provisions of Sections 8 and 10 of the ⁶General Clauses Act, 1887, this Act shall be read as ¹supplemental to any other ⁷enactment for the time being in force relating to fisheries ⁸[in a Part A State or a Part C State]. ^{1887.}

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) “fish” includes shell fish ;

¹For Statement of Objects and Reasons, see Gazette of India, 1893, Part V, Page 101; for Report of the Select Committee, see *ibid*, 1897, Part V, Page 15; and proceedings in Council, see *ibid*, 1893, Part VI, Page 207, *ibid* 1896, Page 250, and *ibid* 1897, Page 21. Repealed in Madhya Pradesh by C. P., and Bihar Act VIII of 1948.

²The words “in the Provinces”—which had been substituted for “in British India” by A. O., 1947—omitted by A. O., 1950, First Schedule.

³Substituted by A. O., 1948 and A. O., 1950.

⁴The words “except Burma” omitted by A. O., 1937.

⁵The word “and” at the end of sub-section (2), and sub-section (3) were repealed by the Repealing and Amending Act, 1914 (X of 1914).

⁶See now the General Clauses Act, 1897 (Act X of 1897).

⁷For Punjab, see Punjab Fisheries Act, 1914 (Punjab Act II of 1914).

⁸Substituted by A. O., 1950, First Schedule.

- (2) "fixed engine" means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way; and
- (3) "private water" means water which is the exclusive property of any person, or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity.

Explanation.—Water shall not cease to be "private water" within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein.

4. (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

Destruction of fish by explosives in inland waters and on coasts.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast: and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it has been committed on the land abutting on such coast.

5. (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

Destruction of fish by poisoning of waters.

(2) The ¹[State] Government may, by notification in the official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

6. (1) The ¹[State] Government may make rules for the purposes hereinafter in this section mentioned, and may by a notification in the official Gazette apply all or any of such rules to such waters, not being private waters, as the ¹[State] Government may specify in the said notification.

Protection of fish in selected waters by rules of State Government.

(2) The ¹[State] Government may also, by a like notification, apply such rules or any of them to any private

¹Substituted by A. O., 1950, for "Provincial".

water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit or regulate all or any of the following matters, that is to say :—

- (a) the erection and use of fixed engines ;
- (b) the construction of weirs ; and
- (c) the dimension and kind of the nets to be used and the modes of using them.

(4) Such rules may also prohibit all fishing in any specified water for a period not exceeding two years.

(5) In making any rule under this section the ¹[State] Government may—

- (a) direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in ; and
- (b) provide for—
 - (i) the seizure, forfeiture and removal of fixed engines erected, or used, or nets used, in contravention of the rule, and
 - (ii) the forfeiture of any fish taken by means of any such fixed engine or net.

(6) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

Arrest
warrant
offences
this Act.

without
for
under

7. (1) Any police officer, or other person specially empowered by the ¹[State] Government in this behalf, either by name or as holding any office, for the time being, may, without an order from a Magistrate and without warrant, arrest any person committing in his view any offence punishable under section 4 or 5 or under any rule under section 6—

- (a) if the name and address of the person are unknown to him, and

¹Substituted by A. O., 1950, for "Provincial".

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained :

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

THE LIVESTOCK IMPORTATION ACT, 1898.

ACT NO. IX OF 1898.

(12th August, 1898).

An Act to make better provision for the regulation of the importation of live-stock.

WHEREAS it is expedient to make better provision for the regulation of the importation of live-stock which is liable to be affected by infectious or contagious disorders; it is hereby enacted as follows :—

1. (1) This Act may be called the Live-stock Im- Short title and
portation Act, 1898. extent.

²[(2) It extends to the whole of India except the State of Jammu and Kashmir.]

* * * * *

2. In this Act, unless there is anything repugnant in Definitions.
the subject of context,—

(a) the expression “infectious or contagious disorders” includes tick-pest, anthrax, glanders, farcy, scabies and any other disease or disorder which may be specified by the ⁴[Central Government] by notification in the ⁵[Official Gazette]; and

¹For Statement of Objects and Reasons, see Gazette of India, 1898, Pt. V. p. 282; and for Proceedings in Council, see *ibid*, Pt. VI, pp. 362 and 364.

This Act has been declared to be in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation (3 of 1872), s. 3.

²Substituted by Act XL of 1953.

³The word “and” and Sub-section (3) repealed by the Repealing and According Act, 1914 (10 of 1914).

⁴Substituted for “Governor-General in Council” by A. O. 1937,

⁵Substituted for “Gazette of India” by *ibid*.

(b) "livestock" includes horses, kine, camels, sheep and any other animal which may be specified by the ¹[Central Government] by notification in the ²[Official Gazette];

³[(c) "import" means the bringing or taking, by sea, land or air, into the territories to which this Act extends.]

3. (1) The ¹[Central Government] may, by notification in the ²[Official Gazette] regulate, restrict or prohibit, in such manner and to such extent as ⁴[it] may think fit, ⁵[the import], into ⁶[the territories to which this Act extends] or any specified place therein, of any livestock which may be liable to be affected by infectious or contagious disorders, and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or that may have been in contact therewith.

(2) A notification under sub-section (1) shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of customs at every port shall have the same powers in respect of any live-stock or thing, with regard to the importation of which such a notification has been issued, and the vessel containing the same, as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to sea-customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

VIII
of
1878.

Power for State
Government to
make rules.

4. (1) The ⁷[State Government] may * ⁸ * * make rules for the detention, inspection, disinfection or destruction of imported livestock, and of fodder, dung, stable-litter, clothing, harness or fittings appertaining to imported livestock or that may have been in contact therewith, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

¹Substituted by the A. O., 1937, for "Governor-General in Council".

²Substituted by the A. O., 1937, for "Gazette of India".

³New clause (c) inserted by Act, XL of 1953.

⁴Substituted by the A. O., 1937, for "he".

⁵Substituted by Act XL of 1953, for the words "bringing or taking, by sea or land".

⁶Substituted by Act 48 of 1952, for "the states" which had been substituted for "the Provinces", which had been substituted for "British India".

⁷Substituted by A. O., 1950.

⁸Substituted by A. O. 1937, for the words "Subject to the Control

(2) In making any rule under this section the ¹[State Government] may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

5. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith ^{Protection to persons acting under Act.} done or intended to be done under this Act.

²THE GLANDERS AND FARCY ACT, 1899
Act No. 13 of 1899.

*An Act to consolidate and amend the law relating to
Glanders and Farcy. (20th March, 1899).*

WHEREAS it is expedient to consolidate and amend the law relating to glanders and farcy ; It is hereby enacted as follows :—

1. (1) This Act may be called the Glanders and Farcy Act, 1899. ^{Short title and extent.}

(2) It extends to the whole of India except Part B States² * * * 3 * * *

2. (1) In this Act, unless there is anything repugnant in the subject or context, “diseased” means affected with glanders or farcy or any other dangerous epidemic disease among horses which the State Government may, by notification in the Official Gazette, specify in this behalf * * * 4 * * *. ^{Definition of “diseased”.}

(2) The provisions of this Act relating to horses shall apply also to ⁵[camels], asses and mules. z

⁶3. (1) The State Government may, by notification in the Official Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the State. ^{Application of Act to local areas by State Government.}

¹Substituted by the A. O., 1950, for “Provincial Government”.

²For Statement of Objects and Reasons, see Gazette of India, 1898, Pt. V., P. 353; for report of the Select Committee; see *ibid*, P. 51; for Proceedings in Council, see *ibid*, 1898; Pt. VI, P. 394; *ibid*, 1899, PP. 25, 86, 119.

³The word “and” and sub-section (3) rep. by the Repealing and Amendment Act, 1914 (10 of 1914), S. 3 and Sch. II.

⁴Certain words ape. by the Repealing Act, 1927 (12 of 1927).

⁵Inserted by Act 9 of 1920, s. 2.

⁶Substituted by s. 3, *ibid*, for the original section.

(2) In any such notification the State Government may further direct that the Act or any provision so applied shall apply in respect of—

- (a) all or any of the diseases mentioned or specified in a notification under section 2, sub-section (1),
- (b) all animals or any class of animals mentioned in section 2, sub-section (2).

State Govern-
ment to appoint
Inspectors.

4. (1) When this Act has been so applied to a local area, the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal ^{45 of} 1860. Code.

Power of entry
and search.

5. Within the local limits for which he is so appointed, any such Inspector as aforesaid may, subject to such rules as the State Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

Power of
seizure.

6. Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be diseased.

Horse to be exa-
mined by
Veterinary Prac-
titioner.

7. (1) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as the State Government may appoint in this behalf:

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(2) For the purposes of the examination, the Veterinary Practitioner may submit the horse to any test or tests which the State Government may prescribe.

8. (1) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed: Horse to be destroyed if found diseased: otherwise restored.

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the State Government may make in this behalf be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

9. (1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the State Government may by rule prescribe, destroyed. When horse diseased, place where it has been to be disinfected, etc.

(2) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine.

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the State Government may appoint in this behalf. Owner or person in charge of diseased horse to give notice.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license. Prohibition against removal, without license, of horse which has been with diseased horse.

Vexatious en-
tries, searches
and seizures.

12. (1) Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty for re-
fusing to com-
ply with notice
under section 9,
or for removing
horse contrary
to section 11.

13. Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9, or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make
rules.

14. (1) The State Government may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules as aforesaid may—

- (a) regulate entries, searches and seizures by Inspectors under this Act ;
- (b) regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolation and testing horses from the owners or persons in charge thereof as if it were a fine;
- (c) regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcasses of diseased horses ;
- (d) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed ; and
- (e) regulate the grant of licenses under section 11 and the conditions on which those licenses shall be granted.

(3) All rules under this section shall be published in the Official Gazette, and, on such publication, shall have effect as if enacted by this Act.

(4) In making any rule under this section, the State Government may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. Any Veterinary Practitioner may be appointed by the State Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder. Appointment of same person to be both Inspector and Veterinary Practitioner.

16. No suit, prosecuting or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act. Protection to persons acting under Act.

17. (Repeal) Rep. by the Repealing and Amending Act, 1914 (10 of 1914), section 3 and Schedule II.

THE SCHEDULE.—(ENACTMENTS REPEALED.)
Rep. by the Repealing and Amending Act, 1914 (10 of 1914), section 3 and Schedule II.

¹THE DOURINE ACT, 1910.

ACT No. 5 OF 1910.

An Act to provide for the prevention of the spread of Dourine. (25th February, 1910).

WHEREAS it is expedient to provide for the prevention of the spread of dourine; it is hereby enacted as follows:—

1. (1) This Act may be called the Dourine Act, 1910. Short title and extent.

(2) This section extends to the whole of India except Part B States: the rest of this Act extends only to

¹For Statement of Objects and Reasons, see Gazette of India, 1909, Pt. V, P. 96, for Report of the Select Committee, see *ibid*, 1910, Pt. V, P. 27; and for proceedings in Council, see *ibid*, 1909, Pt. VI, P. 157 and *ibid*, 1910, Pt. VI, PP. 13, 90, 121.

such areas as the State Government may, by notification in the Official Gazette, direct.

Definitions.

2. (1) In this Act, the expressions "inspector" and "Veterinary practitioner" mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed.

(2) The provisions of this Act in so far as they relate to entire horses shall, if the State Government, by notification as aforesaid, so directs, apply also to entire asses used for mule-breeding purposes.

Registration of horses.

3. The State Government may, by notification as aforesaid, make such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes.

Appointment of inspectors and veterinary practitioners.

4. (1) The State Government may, by notification as aforesaid, appoint any persons it thinks fit to be inspectors, and any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers, respectively.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Powers of inspector.

5. An inspector may, subject to such rules as the State Government may make in this behalf,—

(a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine; * ¹ *.

(b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner;

¹The word "and" rep. by Act 8 of 1910, s. 2.

¹[(c) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the inspectors, is affected with dourine to remove it or permit it to be removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the horse in that place for that purpose.]

6. An inspector issuing an order under section 5. <sup>Duties of ins-
pector.</sup> * 2 * shall forthwith forward a copy of such order to the veterinary practitioner.

7. A veterinary practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place. <sup>Inspection of
horses.</sup>

8. A veterinary practitioner may—

(a) cancel any order issued under section 5, * 3 *; <sup>Powers of
veterinary
practitioner.</sup>
or

(b) if on microscopical examination ⁴[or by other scientific test] he finds that any horse is affected with dourine,—

(i) in the case of an entire horse, cause it to be castrated,

⁵[(ii) in the case of a mare, with the previous sanction of such authority as the State Government may appoint in this behalf, or, if so empowered by the State Government, without such sanction, cause it to be destroyed.]

¹Inserted by Act 8 of 1920, s. 2.

²The word and letter "clause (b)" rep. by s. 3 *ibid.*

³The word and letter "clause (b)" rep. by s. 4 *ibid.*

⁴Inserted by s. 4 *ibid.*

⁵Substituted by s. 4 *ibid.* for the original sub-clause.

Compensation
for horse des-
troyed, etc.

9. When any horse is castrated or destroyed under section 8, the market-value of such horse immediately before it became affected with dourine shall be ascertained; and the State Government shall pay as compensation to the owner thereof—

(a) in the case of a mare which has been destroyed, or of an entire horse which has died in consequence of castration, such market-value, and,

(b) in the case of an entire horse which survives castration, half the amount by which such value has been diminished owing to infection with dourine and castration.

Settlement of
compensation.

10. (1) A veterinary practitioner may award, as compensation to be paid under section 9 in respect of each horse castrated or destroyed under section 8, a sum not exceeding two hundred and fifty rupees.

(2) If, in the opinion of the veterinary practitioner, the amount which should be paid as such compensation exceeds two hundred and fifty rupees, he shall report accordingly to the Collector, who shall decide the amount to be so paid.

Committees for
hearing appeals.

11. (1) The State Government shall, by rules published in the Official Gazette, make provision for the constitution of a committee or committees for the hearing of appeals from decisions under section 10.

(2) Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the service of the Government or of a local authority.

Appeals.

12. Any owner may, within two months from the date of a decision under section 10, appeal against such decision to the committee constituted in that behalf by rules made under section 11, and the decision of such committee shall be final.

Vexations
tries
searches.

en-
and

13. (1) Whoever, being an inspector appointed under this Act, vexatiously and unnecessarily enters or

searches any field, building or other place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

14. (1) The State Government may make rules for Rules. the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules as aforesaid may—

¹[(a) regulate the exercise of the powers conferred on inspectors under section 5;]

(b) regulate the action to be taken by veterinary practitioners under section 8; * ² *

* * 2 * * *

(3) All such rules shall be published in the Official Gazette, and, on such publication, shall have effect as if enacted in this Act.

(4) In making any rule under this section the State Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

15. Whoever uses or permits to be used for breeding Penalties. purposes—

(a) any horse which has not been registered in accordance with the requirements of a notification under section 3, or

³[(b) any horse in respect of which an order under clause (b) or clause (c) of section 5 is in force,]

shall be punishable with fine which may amount, in the case of a first conviction, to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good Protection to persons acting under Act. faith, done or intended to be done under this Act.

¹Substituted by Act 8 of 1920, s. 5, for the original clause.

²The word "and" at the end of cl. (b) and the whole of cl. (c) rep. by s. 5, *ibid*.

³Substituted by Act 8 of 1920, s. 6, for the original cls. (b) and (c).

¹THE DESTRUCTIVE INSECTS AND PESTS ACT,
1914.

ACT No. II OF 1914.

(3rd February, 1914).

*An Act to prevent the introduction into ²[India] ³[and the transport from one Province to another *] * ⁴ * of any insect, fungus or other pest, which is or may be destructive to crops.*

WHEREAS it is expedient to make provision for preventing the introduction into ²[India] ³[and the transport from one Province to another *] * ⁴ * of any insect, fungus or other pest, which is or may be destructive to crops ; It is hereby enacted as follows :—

Short title
and extent.

1. ⁵(1) This Act may be called the Destructive Insects and Pests Act, 1914.

⁵[(2) It extends to the whole of India except the State of Jammu and Kashmir.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “crops” includes all agricultural or horticultural crops ⁶[and all trees, bushes or plants] ;

¹For Statement of Objects and Reasons, see Gazette of India, 1913, Part V, page 166 ; for Report of Select Committee, see *ibid*, 1914, Part V, page 7 ; and for Proceedings in Council, see *ibid*, 1913, Part VI, page 518, *ibid*, 1914, Part VI, pages 64 and 188.

This Act has been applied to the Santal Paraganas by the Santal Parganas Laws Regulation, 1942 (Bihar Regulation 2 of 1942).

²Substituted by Act III of 1951.

³The words “and the transport from one province to another in” were inserted by the Destructive Insects and Pests (Amendment) Act, 1938 (6 of 1938), section 2.

⁴The words “in British-India” were repealed by the A. O., 1948.

⁵Section 1 renumbered as sub-section (1) of section 1, and a new sub-section (2) added by Act III of 1951.

⁶Substituted by section 3 of Act 6 of 1938, for “and trees or bushes”.

(b) "import" means the bringing or taking by sea¹[and or air] ²[across any customs frontier as defined by the Central Government]; * ³ *

(c) "infection" means infection by any insect, fungus or other pest injurious to a crop *⁴;

⁵[(d) "India" means the territory of India excluding the State of Jammu and Kashmir.]

3. (1) The ⁶[Central Government] may, by ⁷notification in the ⁸[Official Gazette], prohibit or regulate, subject to such restrictions and conditions as ⁹[it] may impose, the import into ¹⁰[India], or any part thereof, or any specified place therein, of any article or class of articles likely to cause infection to any crop ¹¹[or of insects generally or any class of insects].

Power of Central Government to regulate or prohibit the import of articles likely to infect.

(2) A notification under this section may specify any article or class of articles ¹¹[or any insect or class of insects] either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported or otherwise.

¹Substituted by the Destructive Insects and Pests (Amendment) Act, 1930 (20 of 1930), section 2, for "or land".

²Inserted by the A. O., 1937, For definition of customs frontier, see s. 3A of the Sea Customs Act, 1878 (8 of 1878) and Gazette of India Part II, dated 6th August, 1955; p. 1521.

³The word "and" was repealed by the Destructive Insects and Pests (Amendment) Act, 1939 (3 of 1939).

⁴The word "and" and clause (d) which had been inserted by Act 3 of 1939, were repealed by the A. O., 1948.

⁵Substituted by Act III of 1951. This clause had been inserted by A. O., 1950, First Schedule.

⁶Substituted by the A. O., 1937, for "Governor-General in Council".

⁷For such notifications, see Gen. R. and O., Supplementary Volumes III and VI, pages 434 and 307, respectively and Volume (1943—45), page 312.

⁸Substituted by the A. O., 1937, for "Gazette of India".

⁹Substituted by the A. O., 1937, for "he".

¹⁰Substituted by Act, III of 1951. The original words, "British India" had been substituted by "the Provinces" by A. O., 1948, which had been substituted by the words "the said territories" by A. O., 1950, Schedule I.

¹¹Inserted by the Destructive Insects and Pests (Amendment) Act, 1938, section 4 (Act VI of 1938).

Operation of
notification
under section 3.

⁴. A notification under section 3 shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of Customs at every port shall have the same powers in respect of any article with regard to the importation of which such a notification has been issued as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to Sea Customs, and the law for the time being in force relating to Sea Customs or any such article shall apply accordingly. VIII of
1878.

Power of
Central Gov-
ernment to re-
gulate or pro-
hibit transport
from State to
State of insects
or articles like-
ly to infect.

¹[4-A. The Central Government may, by ²notification in the Official Gazette, prohibit or regulate, subject to such conditions as the Central Government may impose, the export from a ³[State] or the transport from one ³[State] to another ³[State] * ⁴ * * of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects.

Refusal to carry
article of
which transport
is prohibited.

4-B. When a notification has been issued under section 4-A, then, notwithstanding any other law for the time being in force, the person responsible for the booking of goods or parcels at any railway station or inland steam vessel station,—

- (a) where the notification prohibits export or transport, shall refuse to receive for carriage at, or to forward or knowingly allow to be carried on, the railway or inland steam vessel from that station anything, of which import or transport is prohibited, consigned to any place ⁵[in a ³[State] other than the ³[State]] in which such station is situated ; and
- (b) where the notification imposes conditions upon export or transport, shall so refuse, unless the consignor produces, or the thing consigned is accompanied by, a document or documents of the prescribed nature showing that those conditions are satisfied.

¹Sections 4-A to 4-D were inserted by the Destructive Insects and Pests (Amendment) Act, 1938 (6 of 1938), section 5.

²For such notifications, see Gen. R. and O., Supplementary Volume Vi, page 405 and Volume (1943—45), page 313.

³Substituted by A. O., 1950, for "Province".

⁴The words "in British-India" were repealed by the A. O., 1948.

⁵Substituted by the A. O., 1948, for "in British India outside the province".

4-C. Where, by or under any law in force in ¹[the State of Jammu and Kashmir], the import into that State of any article likely to cause infection to any crop or of any insect has been prohibited, the Central Government may, by notification in the Official Gazette, declare that the provisions of section 4-B shall apply in respect of any such article or insect consigned from any place in ²[India] to any place in that State :

Application of section 4B to articles exported to the State of Jammu and Kashmir.

Provided that ³[the said State] prohibits the export to ²[India] of any article or insect or class of insects the import of which into ²[India] has been prohibited by the Central Government.

4-D. The Central Government may, by ⁴notification in the Official Gazette, make rules prescribing the nature of the documents which shall accompany any article or insect the export or transport whereof is subject to conditions imposed under section 4-A, or which shall be held by the consignor or consignee thereof, the authorities which may issue such documents and the manner in which the documents shall be employed :

Power of Central Government to make rules.

Provided that the said notification shall be placed, as soon as may be, on the table of * * * ⁵ * ⁶[Parliament].

5. (1) The ⁷[State] Government may * ⁸ * * * make rules for the detention, inspection, disinfection or destruction ⁹[of any insect or class of insects or] of any article or class of articles in respect of which a notification has been issued under section 3 ⁹[or under section 4-A] or of any article which may have been in contact or proximity thereto, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

Power to State Government to make rules.

¹Substituted by Act III of 1951, for the words "any Part B State" which had been substituted for the words "the territories of any Indian State" by A. O., 1950, Schedule I.

²Substituted by Act III of 1951, for the words "the said territories", which had been substituted for the words "the Provinces" by A. O., 1950, Schedule I, which earlier had been substituted for "British India" by A. O., 1948.

³Substituted for the words "such Part B State" by Act III of 1951. The words "such Part B State" had been substituted by A. O., 1950, for "such Indian State".

⁴For such notifications, see Gen. R. and O., Supplementary Volume VI, page 405 and Volume (1943—45), page 313.

⁵The words "both chambers of" were repealed by the A. O., 1948.

⁶Substituted by A. O., 1950, I Schedule, for "the Central Legislature".

⁷Substituted by A. O., for "Provincial".

⁸The words "subject to the control of the Governor-General in Council", were repealed by the A. O., 1937.

⁹Inserted by Act, 6 of 1938, section 6.

(2) In making any rule under this section the ¹[State] Government may direct that a breach thereof shall be punishable with fine, which may extend to one thousand rupees.

Penalties.

²[5-A. Any person who knowingly exports any article or insect from a ³[State] or transports any article or insect from one ³[State] to another * * * in contravention of a notification issued under section 4-A, or attempts so to export or transport any article or insect or exports or attempts to export ⁵[from India to the State of Jammu and Kashmir] any article or insect in respect of which a notification under section 4C has been issued, and any person responsible for the booking of goods or parcels at a railway or inland steam vessel station who knowingly contravenes the provisions of section 4B shall be punishable with fine which may extend to two hundred and fifty rupees and upon any subsequent conviction, with fine which may extend to two thousand rupees].

Protection to
persons acting
under Act.

6. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

6 THE INDIAN FOREST ACT, 1927. (Act XVI of 1927).

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¹Substituted by A. O. 1950, for "Provincial".

²Inserted by section 7, of Act 6 of 1938.

³Substituted by A. O., 1950, for "Province".

⁴The words "in British India" were repealed by the A. O., 1948.

⁵Substituted by Act, III of 1951, for the words, "from the States to a Part B State".

⁶For Statement of Objects and Reasons, see Gazette of India, 1926, Part V, Page 165; and for Report of Select Committee, see *ibid*, Page 242. Sections 35, 36, 37 and 38 of this Act have been repealed in their application to West Bengal,—vide Bengal Act 11 of 1945. It has been amended in its application to Punjab by East Punjab Act VII of 1948, and Punjab Act XX of 1954. It has been extended to Coorg and Delhi.

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THE SCHEDULE—Repealed.

THE INDIAN FOREST ACT, 1927.

ACT No. XVI OF 1927.

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor-General on the
21st September, 1927.)*

As amended by—

ACT XXVI OF 1930 AND

ACT III OF 1933.

*In its application to Punjab, by East Punjab Act VII of
1948, and Punjab Act XX of 1954.***An Act to consolidate the law relating to forests the
transit of forest-produce and the duty leviable
on timber and other forest produce.**

WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and
extent.**1.** (1) This Act may be called the Indian Forest Act, 1927.¹[(2) It extends to Bombay, West Bengal ²[Uttar Pradesh], Bihar, ³[Punjab], ⁴[Madhya Pradesh] and Orissal.(3) The * * ⁵ * * Government of any other ⁶[Part A State or Part C State] may, by notification in the ⁷[Official Gazette], extend this Act to the whole or any specified part of the State.Interpretations
clause.**2.** In this Act, unless there is anything repugnant in the subject or context,—

(1) “cattle” includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

¹Substituted by A. O., 1948, for sub-section (2) of section 1.²Substituted by A. O., 1950, for “the United Provinces”.³Substituted by *ibid*, for “East Punjab”.⁴Substituted by *ibid*, for “the United Province”.⁵The word “Provincial,” omitted by A. O., 1950, First Schedule.⁶Substituted by *ibid*, for “Province”.⁷Substituted by A. O., 1937, for “Local Official Gazette”.

(2) "Forest-officer" means any person whom * 1 • the ²[State] Government or any officer empowered by the ²[State] Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;

(3) "forest-offence" means an offence punishable under this Act or under any rule made thereunder;

(4) "forest-produce" includes—

(a) the following whether found in, or brought from, a forest or not, that is to say :—

timber, charcoal, caoutchouc, catechu, wood-oil resin, natural varnish, bark, lac, mahua flowers, mahua, seeds, ³[*kuth*] and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say :—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts of produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries);

⁴[4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such Court];

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms, bamboos, stumps, brush wood and canes.

¹The words "the Governor-General in Council or" omitted by A. O., 1937.

²Substituted by A. O., 1950, for "Provincial".

³Inserted by the Indian Forest (Amendment) Act, 1930 (Act XXVI of 1930).

⁴Inserted by the Indian Forest (Amendment) Act, 1933, (Act III of 1933).

CHAPTER II.

OF RESERVED FORESTS.

Power to reserve forests.

3. The ¹[State] Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by State Government.

4 (1) Whenever it has been decided to constitute any land a reserved forest, the ¹[State] Government shall issue a notification in the ²[Official Gazette]—

- (a) declaring that it has been decided to constitute such land a reserved forest ;
- (b) specifying, as nearly as possible, the situation and limits of such land, and
- (c) appointing an officer (hereinafter called “ the Forest Settlement-officer ”) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this chapter.

Explanation.—For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of subsection (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the ¹[State] Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

¹Substituted by A. O., 1950, for “ Provincial ”.

²Substituted by A. O., 1937, for “ Local Official Gazette ”.

5. After the issue of a notification under section 4, ^{Bar of accrual of forest rights.} no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of ¹[Government] or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the ²[State] Government in this behalf.

6. When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation—^{Proclamation by Forest Settlement-officer.}

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
- (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and
- (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.^{Inquiry by Forest Settlement-officer.}

¹Substituted by A. O., 1950, for "Crown".

²Substituted by A. O., 1950, for "Provincial".

Powers of Forest
Settlement-
officer.

8. For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say :—

- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land and to survey, demarcate and make a map of the same ; and
- (b) the powers of a Civil Court in the trial of suits.

Extinction
rights.

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Treatment of
claims relating
to practice of
shifting cultivation.

10. (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the ¹[State] Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the ¹[State] Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise—

- (a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

¹Substituted by A. O., 1950, for "Provincial".

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the ¹[State] Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the ¹[State] Government.

11. (1) In the case of a claim to a right in or over any land, other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part. Power to acquire land over which right is claimed.

(2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either—

- (i) exclude such land from the limits of the proposed forest; or
- (ii) come to an agreement with the owner thereof for the surrender of his rights; or
- (iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

(3) For the purpose of so acquiring such land—

- (a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
- (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and
- (d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

¹Substituted by the A. O., 1950, for "Provincial".

Order on claims
to rights of
pasture or to
forest produce.

12. In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Record to be
made by Forest
Settlement-offi-
cer.

13. The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,—

- (a) the name, father's name, caste, residence and occupation of the person claiming the right; and
- (b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

Record where
he admits claim.

14. If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Exercise of
rights admitted.

15. (1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement Officer may—

- (a) set out some other forest-tract of sufficient extent and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted:
or

- (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants ; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the ¹[State] Government.

16. In case the Forest Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the ¹[State] Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit. Commutation of rights.

17. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the ¹[State] Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the ¹[State] Government may, by notification in the ²[official Gazette], appoint to hear appeals from such orders : Appeal from order passed under section 11, section 12, section 15 or section 16.

Provided that the ¹[State] Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the ¹[State] Government, and, when the Forest Court has been so established, all such appeals shall be presented to it.

18. (1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same. Appeal under section 17.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the ¹[State] Government, be final.

Pleaders.

19. The ¹[State] Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

Notification de-
claring forest
reserved.

20. (1) When the following events have occurred, namely :—

- (a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer ;
- (b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate Officer or Court ; and
- (c) all land (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894, have become vested in the Government under section 16 of that Act,

¹Substituted by A. O., 1950, for "Provincial".

the ¹[State] Government shall publish a notification in the ²[official Gazette], specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

21. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest. Publication of translation of such notification in neighbourhood of forest.

22. The ¹[State] Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16. Power to revise arrangement made under section 15 or section 18.

23. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the ³[Government] or some person in whom such right was vested when the notification under section 20 was issued. No right acquired over reserved forest, except as here provided.

24. (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the ¹[State] Government : Rights not to be alienated without sanction.

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

³Substituted by A. O., 1950, for "Crown".

Power to stop ways and water-courses in reserved forests.

25. The Forest-officer may, with the previous sanction of the ¹[State] Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the ¹[State] Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

Acts prohibited in such forests.

26. (1) Any person who—

- (a) makes any fresh clearing prohibited by section 5, or
- (b) sets fire to a reserved forest, or, in contravention of any rules made by the ¹[State] Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest—

- (c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;
- (d) trespasses or pastures cattle, or permits cattle to trespass;
- (e) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;
- (g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;
- (h) clears or breaks up any land for cultivation or any other purpose;
- (i) in contravention of any rules made in this behalf by the ¹[State] Government hunts, shoots, fishes, poisons water or sets traps or snares; or
- (j) in any area in which the Elephants' Preservation Act, 1879, is not in force, kills or catches elephants in contravention of any rules so made;

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¹Substituted by A. O., 1950, for "Provincial".

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit—

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the ¹[State] Government; or

(b) the exercise of any right contained under clause (c) of subsection (2) of section 15, or created by grant or contract in writing made by or on behalf of ²[Government] under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the ¹[State] Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

27. (1) The ¹[State] Government may, * * 3 * *, ^{Power to de-} by notification in the ⁴[official Gazette], direct that, from ^{clare forest no} a date fixed by such notification, any forest or any portion ^{longer reserv-} thereof reserved under this Act shall cease to be a reserved forest. ^{ed.}

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.

OF VILLAGE-FORESTS.

28. (1) The ¹[State] Government may assign to any ^{Formation of} village-community the rights of Government to or over ^{village-forests.} any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by *ibid.*, for "Crown".

³The words "subject to the control of the Governor-General in Council", omitted by A. O., 1937.

⁴Substituted by A. O., 1937, for "Local official Gazette".

(2) The ¹[State] Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

CHAPTER IV.

OF PROTECTED FORESTS.

Protected forests. 29. (1) The ¹[State] Government may, by notification in the ²[official Gazette], declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the ¹[State] Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved :

Provided that, if, in the case of any forest-land or waste-land, the ¹[State] Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the ¹[State] Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

30 The ¹[State] Government may, by notification in the ²[official Gazette],—

Power to issue notification re-serving trees, etc.

- (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification ;
- (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the ¹[State] Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed ; or
- (c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

31. The Collector shall cause translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Publication of translation of such notification in neighbourhood.

32. The ¹[State] Government may make rules to regulate the following matters, namely :—

Power to make rules for protected forest.

- (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests ;
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons ;

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

- (c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons ;
- (d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce ;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made ;
- (f) the examination of forest-produce passing out of such forests ;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests ;
- (h) the protection from fire of timber lying in such forests and of trees reserved under section 30 ;
- (i) the cutting of grass and pasturing of cattle in such forests ;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephants' Preservation Act, 1879, is not in force ;
- (k) the protection and management of any portion of a forest closed under section 30 ; and
- (l) the exercise of rights referred to in section 29.

VI of
1879.

33. (1) Any person who commits any of the following offences, namely :—

- (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree ;
- (b) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce ;

- (c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;
 - (d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest;
 - (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;
 - (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
 - (g) permits cattle to damage any such tree;
 - (h) infringes any rule made under section 32;
- shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the ¹[State] Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

34. Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V.

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT.

35. (1) The ¹[State] Government may, by notification in the ³[official Gazette], regulate or prohibit in any forest or waste-land—

- (a) the breaking up or clearing of land for cultivation;

¹Substituted by A. O., 1950, for "Provincial".

²Sections 35, 36, 37 and 38 repealed in their application to West Bengal by Bengal Act XI of 1945.

³Substituted by A. O., 1937, for "Local official Gazette".

(b) the pasturing of cattle ; or
 (c) the firing or clearing of the vegetation ;
 when such regulation or prohibition appears necessary
 for any of the following purposes :—

- (i) for protection against storms, winds, rolling stones, floods and avalanches ;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel ;
- (iii) for the maintenance of a water-supply in springs, rivers and tanks ;
- (iv) for the protection of roads, bridges, railways and other lines of communication ;
- (v) for the preservation of the public health.

(2) The ¹[State] Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No notification shall be made under subsection (1) nor shall any work be begun under subsection (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the ¹[State] Government.

Power to assume management of forests.

36. (1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the ¹[State] Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

¹Substituted by A. O., 1950, for "Provincial".

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

37. (1) In any case under this Chapter in which the ¹[State] Government considers that, in lieu of placing the forest or land under the control of a Forest-officer, the same should be acquired for public purposes, the ¹[State] Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894.

I of
1894.

(2) The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the ¹[State] Government shall acquire such forest or land accordingly.

38. (1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire—

Protection of
forests at re-
quest of owners.

(a) that such land be managed on their behalf by the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon ; or

(b) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the ¹[State] Government may, by notification in the ²[official Gazette], apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI.

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE.

39. (1) The ³[Central Government] may levy a duty in such manner, at such places and at such rates as it

Power to im-
pose duty on
timber and other
forest-produce.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

³Substituted by A. O., 1937, for "Local Government".

may decree by notification in the ¹[official Gazette] on all timber or other forest-produce—

(a) which is produced in ²[Part A States and Part C States], and in respect of which the ³[Government] has any right;

(b) which is brought from any place outside ⁴[Part A States and Part C States].

* * * *

(2) In every case in which such duty is directed to be levied *ad valorem*, the ⁵[Central Government] may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the ⁶[State] Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

⁷[(4) Notwithstanding anything in this Section, the ⁶[State] Government may, until provision to the contrary is made by ⁸[Parliament], continue to levy any duty which it was lawfully levying before the commencement of the ⁹[Constitution], under this section as then in force :

Provided that nothing in this sub-section authorises the levy of any duty which as between timber or other forest-produce of the ¹⁰[State] and similar produce of the locality outside the ¹⁰[State], discriminates in favour of the former, or which in case of timber or other forest-produce of localities outside the ¹⁰[State], discriminates between timber or other forest-produce of one locality and similar timber or other forest-produce of an other locality.]

Limit not to apply to purchase money or royalty.

40. Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit in the same manner as duty is levied.

¹Substituted by A. O., 1937, for "Local official Gazette".

²Substituted by A. O., 1950, First Schedule, for "the Provinces", which had been substituted for "British India", by A. O., 1948.

³Substituted by A. O., 1950, for "Crown".

⁴Proviso omitted by A. O., 1937.

⁵Substituted by A. O., 1937, for "Local Government".

⁶Substituted by A. O., 1950, for "Provincial".

⁷New sub-section (4), inserted by A. O., 1937.

⁸Substituted by A. O., 1950, First Schedule, for "Central Legislature".

⁹Substituted by *ibid*, for "Part III of the Government of India Act, 1935."

¹⁰Substituted by A. O., 1950, for "Province".

CHAPTER VII.

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT.

41. (1) The control of all rivers and their banks as Power to make regards the floating of timber, as well as the control of rules to regulate all timber and other forest-produce in transit by land or late transit of forest-produce. water, is vested in the ¹[State] Government, and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

- (a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the ²[State];
- (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass ;
- (c) provide for the issue, production and return of such passes and for the payment of fees therefor ;
- (d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to ³[Government] on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark ;
- (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots ;

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1950, for "Province". The words "the Province" had been substituted for "British India" by A. O., 1937.

³Substituted by A. O., 1950, for "Crown".

- (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed ;
- (g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same ;
- (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber ;
- (i) regulate the use of property marks for timber, and the registration of such marks ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The ¹[State] Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

Powers of Central Government as to movements of timber across Customs Frontiers.

²[41-A. Notwithstanding anything in section 41 the Central Government may make rules to prescribe the route by which alone timber or other forest produce may be imported, exported, or moved into or from ³[Part A States and Part C States] across any customs frontier as defined by the Central Government, and any rules made under section 41 shall have effect subject to the rules made under this section.]

¹Substituted by A. O., 1950, for "Provincial".

²New Section added by A. O., 1937.

³Substituted by A. O., 1950, First Schedule.

2. (1) The ¹[State] Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both. Penalty for breach of rules made under section 41.

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. The ²[Government] shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently. Government and Forest-officers not liable for damage to forest-produce at depots.

44. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the ²[Government] or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss. All persons bound to aid in case of accident at depot.

CHAPTER VIII.

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER.

45. (1) All timber found adrift, beached, stranded or sunk; Certain kinds of timber to be deemed property of Government until title there-to proved, and may be collected accordingly.

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1950, for "Crown".

in such areas as the ¹[State] Government directs, all unmarked wood and timber ;

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The ¹[State] Government may, by notification in the ²[official Gazette], exempt any class of timber from the provisions of this section.

Notice to claim-
ants of drift
timber.

46. Public notice shall from time to time be given by the Forest-officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Procedure on
claim preferred
to such timbers.

47. (1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1950, for "Provincial".

compensation or costs against the ¹[Government] or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him. Disposal of un-claimed timber.

49. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently. Government and its officers not liable for damage to such timber.

50. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51. Payments to be made by claimant before timber is delivered to him.

51. (1) The ²[State] Government may make rules to regulate the following matters, namely:— Power to make rules and prescribe penalties.

- (a) the salving, collection and disposal of all timber mentioned in section 45;
- (b) the use and registration of boats used in salving and collecting timber;
- (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber;
- and
- (d) the use and registration of hammers and other instruments to be used for marking such timber.

¹Substituted by A. O., 1950, for "Crown".

²Substituted by A. O., 1950, for "Provincial".

(2) The ¹[State] Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER IX.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation.

52. (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, ²[vehicles] or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made :

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Power to release property seized under section 52.

53. Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, ²[vehicles] or cattle under section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Procedure there-upon.

54. Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such

¹Substituted by A. O., 1950, for "Provincial".

²Substituted for "Carts," in its application to Punjab, by the Indian Forest (East Punjab Amendment) Act, 1948 (East Punjab Act, VII of 1948).

measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law :

55. (1) All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats¹[vehicles] and cattle used in committing any forest-offence, shall be liable to confiscation. Forest produce, tools, etc., when liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct. Disposal, on conclusion of trial for forest offence, of produce in respect of which it was committed.

57. When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same : Procedure when offender not known, or cannot be found.

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim :

58. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold. Procedure as to perishable property seized under section 52.

59. The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to Appeal from orders under section 55, section 56 and section 57.

¹Substituted for "carts", in its application to Punjab, by the Indian Forest (East Punjab amendment) Act, 1948, (East Punjab Act, VII of 1948).

which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when
to vest in Gov-
ernment.

60. When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power
to release prop-
erty seized.

61. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the ¹[State] Government from directing at any time the immediate release of any property seized under section 52.

Punishment for
wrongful seizure.

62. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for
counterfeiting or
defacing marks
on trees and tim-
ber and for al-
tering boundary
marks.

63. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

XLV of
1860.

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person ; or
- (b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer ; or
- (c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

¹Substituted by A. O., 1950, for "Provincial".

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

64. (1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

Power to arrest without warrant

(2) Every officer making an arrest under this section shall, without unnecessary delay and, subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

65. Any Forest-officer of a rank not inferior to that of a Ranger, who or whose subordinate, has arrested any person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police-station.

Power to release on a bond a person arrested.

66. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to prevent commission of offence.

67. The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the ¹[State] Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

Power to try offences summarily.

68. (1) The ¹[State] Government may, by notification in the ²[official Gazette], empower a Forest-officer—

Power to compound offences.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accounted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

Presumption that forest produce belongs to Government.

69. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER X.

CATTLE-TRESPASS.

Cattle-trespass Act, 1871, to apply.

Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-Trespass Act 1871, and may be seized and impounded as such by any Forest-officer or I of 1871. Police-officer:

I of 1871 71. The ¹[State] Government may, by notification in the ²[official Gazette], direct that, in lieu of the fines fixed under section 12 of the Cattle-Trespass Act, 1871, there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say :

For each elephant	... ten rupees.
For each buffalo or camel	... two rupees.
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	... one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	... eight annas.

CHAPTER XI.

OF FOREST-OFFICERS.

72. (1) The ¹[State] Government may invest any Forest-officer with all or any of the following powers, that is to say :—

State Government may invest Forest-officers with certain powers.

- (a) power to enter upon any land and to survey, demarcate and make a map of the same ;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects ;
- (c) power to issue a search-warrant under the Code of Criminal Procedure, 1898 ; and
- (d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of subsection (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

XLV of 1860. 73. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Forest-officers deemed public servants.

74. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Indemnity for acts done in good faith.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local official Gazette".

Forest-officers
not to trade.

75. Except with the permission in writing of the ¹[State] Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside ²[Part A States and Part C States].

CHAPTER XII.

SUBSIDIARY RULES.

Additional
powers to make
rules.

76. The ¹[State] Government may make rules—

- (a) to prescribe and limit the powers and duties of any Forest-officer under this Act ;
- (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act ;
- (c) for the preservation, reproduction and disposal of trees and timber ³[or other forest-produce] belonging to Government, ⁴[* * *]; and
- (d) generally, to carry out the provisions of this Act.

Penalties for
breach of rules.

77. Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

Rules when to
have force of
law.

78. All rules made by the ¹[State] Government under this Act shall be published in the ⁵[official Gazette] and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

¹Substituted by A. O., 1950, for "Provincial".

²Substituted for "the Provinces", by A. O., 1950, First Schedule. The words "the Provinces" had been substituted for "British India", by A. O., 1948.

³Inserted in its application to Punjab by Punjab Act, XX of 1954.

⁴The words "but grown on lands belonging to or in the occupation of private persons", omitted by *ibid.*

⁵Substituted by A. O., 1937, for "Local Official Gazette".

CHAPTER XIII.

MISCELLANEOUS.

79. (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and

Persons bound
to assist Forest-
officers and
Police-officers.

every person in any village contiguous to such forest who is employed by the ¹[Government], or who receives emolumens from the ¹[Government] for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest-officer or Police-officer or not,—

- (a) to extinguish any forest fire in such forest of which he has knowledge or information ;
- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest,

and shall assist any Forest-officer or Police-officer demanding his aid—

- (c) in preventing the commission in such forest of any forest-offence ; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender ;

(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails—

- (a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1) ;

¹Substituted by A. O., 1950, for "Crown".

- (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest ;
- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest ; or
- (d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender ;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Management of forests the joint property of Government and other persons.

80. (1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the ¹[State] Government may either—

- (a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same ; or
- (b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the ¹[State] Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the ²[official Gazettel], declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Failure to perform service for which a share in produce of Government forest is enjoyed.

81.. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1937, for "Local Official Gazette".

be liable to confiscation in the event of the fact being established to the satisfaction of the ¹[State] Government that such service is no longer so performed :

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the ¹[State] Government.

82. All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue.

Recovery of money due to Government.

83. (1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

Lien on forest-produce for such money.

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to ²[Government].

Recovery of penalties due under bond.

84. Whenever it appears to the ¹[State] Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894.

Acquisition of and required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894

85. When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the ³India n Contract Act,

¹Substituted by A. O., 1950, for "Provincial".

²Substituted by A. O., 1950, for "His Majesty".

³Unrepealed central Acts, Volume II.

1872, be recovered from him in case of such breach as if it were an arrear of land-revenue. IX of 1872

Saving for rights of Central Government.

¹[85-A. Nothing in this Act shall authorize a Government of any State to make any order to do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned:]

86. * * 2 *

THE COTTON TRANSPORT ACT, 1923

ACT No. III OF 1923³

An Act to provide for the restriction and control of the transport of cotton in certain circumstances.

[23rd February, 1923.]

WHEREAS it is expedient for the purpose of maintaining the quality and reputation of the cotton grown in certain areas ⁴* * to enable the restriction and control of the transport by rail and the import of cotton into those areas ; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Cotton Transport Act, 1923.

(2) It extends to ⁵[the whole of India except Part B States].

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “certified copy” in relation to a licence, means a copy of the licence certified in the manner described in section 76 of the Indian Evidence Act, 1872, by the authority by which the licence was granted ;

I of 1872.

(b) “cotton” means every kind of unmanufactured cotton that is to say, ginned and unginned cotton; cotton waste and cotton seed ;

(c) “cotton waste” means droppings, strippings, fly and other waste products of a cotton-mill other than yarn waste ;

(d) “licence” means a licence granted under this Act ;

¹Substituted by A. O., 1950, First Schedule. This section had been originally inserted by A. O., 1937.

²Section 86, repealed by the Repealing and Amending Act, 1948.

³For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 213 ; and for report of Joint Committee, see *ibid.* 1923, Pt. V; p. 1.

⁴The words “in the Provinces” deleted by the Adaptation of Laws Order, 1950.

⁵Substituted by the Adaptation of Laws Order, 1950.

- (e) "notified station" means a railway station specified in a notification under section 3 ;
- (f) "prescribed" means prescribed by rules made under this Act ; and
- (g) "protected area" means an area into which the import of cotton or of any kind of cotton has been prohibited ¹[wholly or partly] by a notification under section 3.

3. (1) The ²[State Government] may, for the purpose of maintaining the quality or reputation of the cotton grown in any area in the ²[State], by notification in the ³[Official Gazette], prohibit the import of cotton or of any specified kind of cotton into that area ⁴[by rail, road, river and sea, or by any one or more of such routes] save under and in accordance with the conditions of, a licence :

Power to issue notification prohibiting import of cotton into protected area.

Provided that no such notification shall be deemed to prohibit the import into any protected area of packages containing any kind of cotton and not exceeding ten pounds avoirdupois weight.

(2) Any such notification may prohibit the delivery to, and the taking of delivery by, any person, at any specified railway station situated in the protected area, of any cotton, the import of which ⁴[by rail] into that area is prohibited when such cotton has been consigned from a railway station not situated in that area, unless such person holds a licence for the import ⁴[by rail] of the cotton into that area.

IX of 1890. 4. (1) Notwithstanding anything contained in the Indian Railways Act, 1890, or any other law for the time being in force, the station master of any railway station or any other railway servant responsible for the booking of goods or parcels at that station may refuse to receive for carriage at, or to forward or allow to be carried on the railway from, that station any cotton consigned to a notified station, being cotton of a kind of which the delivery at such

Refusal to carry unlicensed cotton.

¹Inserted by the Cotton Transport (Amendment) Act, 1925 (34 of 1925), s. 2.

²Substituted by the Adaptation of Laws Order, 1950.

³Substituted by the A. O., 1937, for "local official Gazette".

⁴Inserted by the Cotton Transport (Amendment) Act, 1925 (34 of 1925), s. 3.

notified station has been prohibited unless both stations are in the same protected area, or unless the consignor produces a certified copy of a licence for the import of the cotton ¹[by rail] into the protected area in which such notified station is situated.

(2) Every certified copy of a licence when so produced shall be attached to the invoice or way-bill, as the case may be, and shall accompany the consignment to its destination; and shall there be dealt with in the prescribed manner.

(3) Where by or under any law in force in the territories of any State in India the import ²[by rail] into any area, or the delivery at any railway station, of cotton or of any kind of cotton has been prohibited, the ³[Central Government] may, by notification⁴ in the ⁵[Official Gazette], declare that the provisions of sub-section (1) shall apply in respect of cotton consigned to any such station as if such area and such station were respectively a protected area and a notified station, and as if any licence granted under such law were a licence granted under this Act.

Procedure
where cotton ar-
rives at notified
station.

5. (1) Where any cotton, the import of which ²[by rail] into any protected area has been prohibited, has been consigned to and arrives at a notified station in any such protected area, the station master or other railway servant responsible for the receipt and delivery to the consignee of goods or parcels, as the case may be, at that station shall, unless both the notified station and the railway station from which the cotton has been consigned are situated in the same protected area, refuse to deliver the cotton until he is satisfied that the consignee holds a licence for the import of cotton ²[by rail] into the protected area in which such notified station is situated, and, if he is not so satisfied, or if within fourteen days the consignee or some person acting on his behalf does not

¹Inserted by s. 4, of Act 34 of 1925.

²Inserted by the Cotton Transport (Amendment Act, 1925) (34 of 1925), s. 4.

³Substituted by the A. O. 1937, for "G. G. in C."

⁴For such notifications see Gen. R. & O., Vol. V. p. 90; *ibid.*, Supplementary Vol. II, p. 998; and *ibid.*, Supplementary Vol. VI, p. 57.

⁵Substituted by the A. O., 1937, for "Gazette of India".

⁶Inserted by the Cotton Transport (Amendment) Act. 1925 (34 of 1925), s. 5.

appear in order to take delivery, shall return the cotton to the railway station from which it was consigned, together with an intimation that the delivery of the cotton has been refused or has not been taken; as the case may be.

(2) Any station master or other railway servant receiving any cotton returned under sub-section (1), or returned with a like intimation from a railway station specified in a notification under sub-section (3) of section 4; shall cause to be served on the consignor in any manner authorised by section 141 of the Indian Railways Act, 1890, a notice stating that the cotton has been so returned and requiring the consignor to pay any rate, terminal or other charges due in respect of the carriage of the cotton to and from the railway station to which it was consigned; and such charges shall be deemed to be due from the consignor for all the purposes of section 55 of that Act.

6. Any person who, in contravention of the provisions of this Act or of any notification or rule made hereunder, knowingly takes delivery of any cotton from a notified station or imports, or attempts to import, any cotton into a protected area, and any station master or other railway servant who; in contravention of the provisions of sub-section (1) of section 5, without reasonable excuse, the burden of proving which shall lie upon him, delivers any cotton to a consignee or other person, shall be liable to a fine not exceeding one thousand rupees, and upon any subsequent conviction to imprisonment which may extend to three months, or to fine which may extend to five thousand rupees, or to both.

Penalties.

7. The ¹[State Government] may, by notification in the ²[Official Gazette], make rules to provide for any of the following matters, namely :—

Power to make rules.

(a) the prevention of the import into a protected area by road, river or sea; save under and in accordance with the conditions of

¹Substituted by the Adaptation of Laws Order, 1950.

²Substituted by the A. O., for "local official Gazette".

- a licence; of cotton the import 'of which into that area has been prohibited ¹[wholly or partly] by a notification under section 3 ;
- (b) the terms and conditions to be contained in licences and the authorities by which they may be granted ; and
- (c) the manner in which licences and certified copies thereof shall be dealt with on and after the delivery of the cotton to which they relate.

(2) Any such rules may provide that any contravention thereof or of the conditions of any licence, not otherwise made punishable by this Act, shall be punishable with fine which may extend to five hundred rupees.

Previous approval of State Legislature to issue of notifications and rules.

8. No notification under section 3 or rule under section 7 shall be issued by the ²[State Government] of any ³[Part A State], unless it has been laid in draft before ⁴[the Legislative Assembly of the ⁵[State]]; and has been approved by a Resolution ⁶[of that Assembly], either with or without modification or additional, but upon such approval being given the notification or rule; as the case may be, may be issued in the form in which it has been so approved :

⁷[Provided that is the ¹²[State] Legislature has two ⁸[Houses], the notification must be laid in draft before, and be approved by Resolutions of, both ⁸[Houses], either without modifications or additions, or with modifications or additions approved by both ⁸[Houses].

Protection for acts done under Act.

9. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

¹Inserted by the Cotton Transport (Amendment) Act, 1925, (34 of 1925), s. 6,

²Substituted by the Adaptation of Laws Order, 1950, for "Provincial Government."

³Substituted by A. O., 1950, for "Governor's Province".

⁴Substituted by the A. O., 1937, for "the Legislative Council of the Province".

⁵Substituted by A. O. 1950, for "Province".

⁶Substituted *ibid*, for "of the Legislative Council".

⁷Inserted by the A. O., 1937.

⁸Substituted by A. O., 1950, I Sch., for "Chambers".

¹THE INDIAN COTTON CESS ACT, 1923.

[ACT No. XIV OF 1923]

An Act to provide for the creation of a fund for the improvement and Development of the growing, marketing and manufacture of cotton in India.

WHEREAS it is expedient to provide for the creation of a fund to be expended by a Committee specially constituted in this behalf for the improvement and development of the growing, marketing and manufacture of cotton in India; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Cotton Cess Act, 1923. Short title and extent.

²[(2) It extends to the whole of India ³[except the State of Jammu and Kashmir]]

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Collector” means, in reference to cotton consumed in a mill * * * *, the Collector of the district in which the mill is situated ⁵[or any other officer appointed by the ⁶[Central Government] to perform the duties of a Collector under this Act];

(b) “the Committees” means the Indian Central Cotton Committee constituted under this Act;

(c) “cotton” means raw cotton, whether baled or loose, which has been ginned;

¹For Statement of Objects and Reasons, see Gazette of India, 1923, Pt. V, p. 59, and for Report of Joint Committee, see *ibid*, 1923, Pt. V, p. 97.

²This sub-section was substituted by the A. O., 1950. It has been substituted for the original by A. O., 1948.

³Substituted by Act III of 1951, for “except Part B States”.

⁴The words “in the Provinces”, omitted by A. O. 1950.

⁵These words were inserted by the Indian Cotton Cess (Amendment) Act, 1924 (I of 1924), s. 2.

⁶These words were substituted for the words “Local Government” by the A. O., 1937.

- (d) "Customs-collector" and "customs-port" mean respectively a Customs-collector and a customs-port as defined in section 3 of the Sea Customs Act, 1878; VIII of 1878.
- (e) "mill" means any place which is a factory as defined in section 2 of the ¹[the Factories Act, 1948], and in which cotton is converted into yarn or thread either for sale as such or for conversion into cotton goods as defined in section 3 of the ²Cotton Duties Act, 1896; II of 1896.
- (f) "Prescribed" means prescribed by rules made under this Act.

Imposition
of cotton cess.

* * * * *

3. ⁴[(1)] There shall be levied and collected on all cotton ⁵* * * exported from any customs-port to any port outside ⁶[the territories to which this Act extends] or consumed in any mill in ⁷[the said territories] a cess at the rate of ⁸[four annas] per standard bale of four hundred pounds avoirdupois or in the case of unbaled cotton, of ⁹[one anna] per hundred pounds avoirdupois.

* * * * *

¹¹[(2)] The ¹²[Central Government] may, by notification in the ¹³[Official Gazette], direct that the cess referred to in sub-section (1) shall be levied and collected on all cotton produced in India and exported by land from ⁶[the territories to which this Act extends] to any foreign territory outside India which may be specified in the notification.]

Constitution of
Indian Central
Cotton Committee.

4. As soon as may be after the commencement of this Act, the ¹²[Central Government] shall cause to be

¹⁴Substituted by Act III of 1951 for the "Indian Factories Act, 1911".

¹⁵Repealed by the Indian Finance Act, 1926 (19 of 1926), s. 3.

¹⁶Clause (s) was omitted by A. O. 1948.

¹⁷The original section 3 was re-numbered as sub-section (1) of that section by the Indian Cotton Cess (Amendment) Act, 1924 (I of 1924), s. 3.

¹⁸The words "produced in India and either" were omitted by the Indian Cotton Cess (Amendment) Act, 1947 (51 of 1947), s. 2 (with effect from the 15th August 1947):

¹⁹These words were substituted by Act III of 1951.

²⁰Substituted by A. O., 1950.

²¹These words were substituted for the words "two annas" by the Indian Cotton Cess (Amendment) Act, 1948 (59 of 1948), s. 2.

²²These words were substituted for the words "six pies", *ibid.*

²³Proviso was omitted by Act 51 of 1947, s. 2 (with effect from the 15th August, 1947).

²⁴This sub-section was inserted by Act I of 1924, s. 3.

²⁵These words were substituted for the words Governor-General-in-Council by the A. O., 1937.

²⁶These words were substituted for the words "Gazette of India" by the A. O., 1937.

constituted a Committee consisting of the following members, namely :—

¹[(i) the ²[Vice-President of the ³[Indian Council of Agricultural Research]];

⁴[(ia) the ⁵[Agricultural Commissioner with the Government of India]⁶* * * *]:

⁷[(ii) ⁸[five persons] to be nominated by the Central Government to represent respectively the Agricultural Departments of the ⁹[State] Governments of Madras, Bombay, ¹⁰[* * ¹¹[Uttar Pradesh], ¹²[Punjab], and ¹³[Madhya Pradesh];

(iii) the Director General of Commercial Intelligence;

(iv) ¹⁴[eight persons] nominated, respectively, by the East India Cotton Association, the Bombay Millowners' Association, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, Bombay, ¹⁵* * * the Ahmedabad Millowners' Association, the Tuticorin Chamber of Commerce, the Upper India Chamber of Commerce, and the Empire Cotton Growing Corporation;

¹These words were substituted for the words "the Agricultural Adviser to the Government of India" by the Indian Cotton Cess (Amendment) Act, 1929 (14 of 1929), s. 2.

²Substituted by Act 48 of 1952, for "Vice-Chairman".

³Substituted by Act III of 1951.

⁴This clause was inserted by Act XIV of 1929.

⁵These words were substituted for the words "Expert Adviser to the Imperial Council of Agricultural Research" by the Repealing and Amending Act, 1939 (34 of 1939), s. 2, and Sch.

⁶The words "in agricultural matters" were omitted by the Repealing and Amending Act, 1940 (32 of 1940), s. 3, and Sch. II.

⁷This clause was substituted for the original clause by the A. O., 1937.

⁸These words were substituted for the words "six persons" by the A. O. 1948.

⁹Substituted by A. O., 1950, for "Provincial".

¹⁰The word "Sind" was omitted, *ibid*,

¹¹Substituted by A. O., 1950, for "United Provinces".

¹²These words were substituted for the words "East Punjab", by A. O. 1950.

¹³Substituted by A. O., 1950, for "Central Provinces and Berar".

¹⁴These words were substituted for the words "nine persons", *ibid*.

¹⁵The words "the Karachi Chamber of Commerce" were omitted, *ibid*.

¹[(v) four persons nominated by the Central Government to represent the cotton manufacturing or cotton ginning industry, of whom two shall be nominated to represent the industry in the ²[Madhya Pradesh], one to represent the industry in Madras and one to represent the industry in ³[Punjab];]

(vi) one person nominated by ⁴[the Central Government to represent] ⁵[West Bengal];

(vii) one person having knowledge of co-operative banking nominated by the ⁶[Central Government];

⁷[(viii) nine persons nominated by the Central Government to represent the cotton growing industry, of whom two shall be nominated to represent the industry in Madras, two to represent the industry in Bombay, two to represent the industry in ⁸[Uttar Pradesh], two to represent the industry in the ²[Madhya Pradesh], and one to represent the industry in ³[Punjab];

⁹[(ix) seven persons nominated respectively by the Governments of the following Part B States, namely, Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan Saurashtra and Travancore-Cochin.]

¹⁰[(x)] such additional persons as the ⁶[Central Government] may, by notification in the ¹¹[Official Gazette] appoint:

¹This clause was substituted for the original clause by the A. O., 1937.

²Substituted for "Central Provinces and Berar" by A. O., 1950.

³These words were substituted for the words "East Punjab" by the A. O., 1950.

⁴These words were substituted for the words "the Local Government of" by the A. O., 1937.

⁵These words were substituted for the word "Bengal" by the A. O. 1948.

⁶These words were substituted for the words "Governor-General in Council", by the A. O., 1937.

⁷Clauses (viii) and (ix) were substituted for the original clauses (viii), (ix) and (x), by the Indian Cotton Cess (Amendment) Act, 1948 (59 of 1948), s. 3.

⁸Substituted for "the United Provinces" by A. O. 1950.

⁹Substituted by Adaptation of Laws (Third Amendment), Order, 1951.

¹⁰This clause was renumbered, by Act 59 of 1948.

¹¹These words were substituted for the words "Gazette of India" by the A. O., 1937.

Provided that, if within the period prescribed in this behalf, any authority or other person fails to make any nomination which it or he is entitled to make¹ under this section, the ¹[Central Government] may ²[itself] appoint a member or members, as the case may be, to fill the vacancy or vacancies.

5. (1) The Committee so constituted shall be a body corporate by the name of the Indian Central Cotton Committee, having perpetual succession and a common seal with power to acquire and hold property both moveable and immoveable and to contract, and shall by the said name sue and be sued. Incorporation of the Committee.

(2) ³[The ⁴[Vice-President] of the ⁵[Indian Council of Agricultural Research]] shall be *ex-officio* President of the Committee.

(3) The Secretary of the Committee shall be a person, not being a member of the Committee, appointed by the ¹[Central Government].

6. (1) The owner of every mill shall furnish to the Collector on or before the seventh day of each month, a return stating the total amount of cotton consumed or brought under process in the mill during the preceding month, together with such further information in regard thereto as may be prescribed : Delivery of monthly returns.

Provided that no return shall be required in regard to cotton consumed or brought under process before the commencement of this Act.

(2) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

7. (1) On receiving any return made under section 6, the Collector shall assess the cotton cess payable in respect of the period to which the return relates, and if the Collection of cess by Collector.

¹These words were substituted for the words "Governor-General-in-Council" by the A. O., 1937.

²Substituted by the A. O., 1937, for "himself".

³Substituted by the Indian Cotton Cess (Amendment) Act, 1929 (14 of 1929-, s. 3, for "The Agricultural Adviser to the Government of India".

⁴Substituted by Act 48 of 1952, for "Vice-Chairman".

⁵Substituted by Act III of 1951.

amount has not already been paid shall cause a notice to be served upon the owner of the mill requiring him to make payment of the amount assessed within ten days of the service of the notice.

(2) If the owner of any mill fails to furnish in due time the return referred to in section 6 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount payable by him in such manner if any, as may be prescribed, and the provisions of sub-section (1) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the owner:

Provided that, in the case of a return which he has reason to believe is incorrect or defective, the Collector shall not assess the cess at an amount higher than that at which it is assessable on the basis of the return without giving to the owner a reasonable opportunity of proving the correctness and completeness of the return.

(3) A notice under sub-section (1) may be served on the owner or of a mill either by post or by delivering it or tendering it to the owner or his agent at the mill.

Collection of
cess on export-
ed cotton.

8. ¹[(1)] In respect of cotton exported by sea, the cess shall be assessed and levied by the Customs-collector at the Customs port of export and, subject to the provisions of this Act and of any rules made thereunder, shall, for all or any of the purposes of the Sea Customs Act, 1878 be deemed to be a duty of customs.

VIII of
1878.

²[(2)] In respect of cotton exported by land on which the cess is leviable.—

(a) where the cotton is exported to any territory which is foreign territory as defined in the Land Customs Act, 1924, the cess shall be assessed by such authorities and in such manner as may be prescribed, and shall, subject to the provisions of this Act and of any rules made thereunder, for all or any of the purposes of the Land Customs Act, 1924, be deemed to be a duty of land customs leviable under section 5 of the Indian⁸ Tariff Act, 1894, and

XIX of
1924.

XIX of
1924.

VIII of
1894.

¹The original s. 8 was renumbered as sub-section (1) of that section by the Indian Cotton Cess (Amendment) Act, 1924 (I of 1924), s. 4.

²These sub-sections were substituted for sub-section (2) by the Indian Cotton Cess (Amendment) Act, 1925 (18 of 1925), c. 2.

⁸See now the Indian Tariff Act, 1934 (32 of 1834).

(b) in any other case, the cess shall be assessed and levied by such authorities and in such manner as may be prescribed.

(3) The Central Board of Revenue constituted under the Central Board of Revenue Act, 1924, may make rules providing, on such conditions as may be specified in the rules, for—

(a) the refund of the cess levied where cotton is exported by land and subsequently imported into India; and

(b) the export by land, without payment of the cess, of cotton which is subsequently to be imported into India.]

9. (1) An assessment made in accordance with the provisions of section 7 or section 8 shall not be questioned in any Court. Finality of assessment and recovery of unpaid cess.

(2) Any owner of a mill who is aggrieved by an assessment made under section 7 may, within three months of service of the notice referred to in sub-section (1) of that section, apply to the ¹[Central Government] for the cancellation or modification of the assessment and, on such application, the ¹[Central Government] may cancel or modify the assessment and order the refund to such owner of the whole or part, as the case may be, of any amount paid thereunder.

(3) Any sum recoverable under section 7 may be recovered as an arrear of land revenue.

10. (1) The Collector or any officer empowered by general or special order of the ¹[Central Government] in this behalf shall have free access at all reasonable times during working hours to any mill or to any part of any mill. Power to inspect mills and take copies of records and accounts.

(2) The Collector or any such officer may at any time, with or without notice to the owner, examine the working records, sale records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder.

¹These words were substituted for the words "Local Government" by the A. O. 1937.

(3) Where any officer other than the Collector proposes to examine under sub-section (2) any record or account containing the description or formula of any trade process, the owner of the mill may give to the said officer, for transmission to the Collector, a written notice of objection and the officer shall thereupon seal up the record or account pending the orders of the Collector.

Information acquired to be confidential.

11. (1) All such copies and extracts and all information acquired by a Collector or any other officer from an inspection of any mill or warehouse or from any return submitted under this Act shall be treated as confidential.

(2) If the Collector or any such officer discloses to any person other than a superior officer any such information as aforesaid without the previous sanction of the ¹[Central Government], he shall be punishable with imprisonment which may extend to six months and shall also be liable to fine:

Provided that nothing in this section shall apply to the disclosure of any such information for the purposes of a prosecution in respect of the making of a false return under this Act.

Application of proceeds of cess.

12. (1) On the last day of each month, or as soon thereafter as may be convenient, the proceeds of the cess recovered during that month shall, after deduction of the expenses, if any, of collection and recovery, be paid to the Committee.

(2) Subject to such conditions as may be prescribed, the said proceeds and any other monies received by the Committee shall be applied to meeting the expenses of the Committee and the cost of such measures as it may, with the previous approval of the ²[Central Government], decide to undertake for promoting agricultural and technological research in the interests of the cotton industry, in India ³[or for the improvement and development of the methods of growing, manufactureing and marketing of Indian cotton].

Payment to Government of Burma.

12A. *Repealed by the Indian Cotton Cess (Amendment) Act, 1948 (59 of 1948), s. 5.*

¹Substituted by A. O. 1937, for "Local Government."

²These words were substituted for the words "Governor-General in Council" by the A. O. 1937.

³These words were inserted by the Indian Cotton Cess (Amendment) Act, 1948 (59 of 1948), s. 4.

13. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee, or the Standing Finance Sub-Committee, if any. Validation.

14. The ¹[Central Government] may, by notification in the ²[Official Gazette] declare that, with effect from such date as may be specified in the notification, the Committee shall be dissolved, and on the making of such declaration all funds and other property vested in the Committee shall vest in * * ³ * the Central Government and this Act shall be deemed to have been repealed. Dissolution of Committee.

15. The ¹[Central Government] may make rules for the purpose of carrying into effect all or any of the provisions of this Act. Power of the Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) for prescribing the time within which nominations shall be made under section 4 whether in the first instance or on the occurrence of vacancies;
- (b) for prescribing the term of office of the members of the Committee;
- (c) for prescribing the circumstances in which and the authority by which any member may be removed;
- (d) for the holding of a minimum number of meetings of the Committee during any year;
- (e) for the maintenance by the Committee of a record of all business transacted and the submission of copies of such records to the ¹[Central Government];
- (f) for the definition of the powers of the Committee and of the Secretary to enter into contracts which shall be binding on the Committee, and the manner in which such contracts shall be executed;

¹These words were substituted for the words "Governor-General-in Council, by A. O., 1937.

²These words were substituted for the words "Gazette of India" by the A. O. 1937.

³The words "His Majesty for the purposes of", were omitted by Adaptation of Laws (Third Amendment) Order, 1951.

- (g) for the regulation of the travelling allowances of members of the Committee and of their remuneration, if any.
- (h) for the definition of the powers of the Committee and the Secretary in respect of the appointment, promotion and dismissal of officers and servants of the Committee, and in respect of the creation and abolition of appointments of such officers or servants;
- (i) for the regulation of the grant of pay and leave to officers and servants of the Committee, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted;
- (j) for the regulation of the payment of pensions, gratuities, compassionate allowance and travelling allowances to officers and servants of the Committee;
- (k) for prescribing the establishment and maintenance of a provident fund for the officers and servants of the Committee, and for the deduction of subscriptions to such provident fund from the pay and allowances of such officers and servants, other than Government servants whose services have been lent or transferred to the Committee ;
- (l) for prescribing the preparation of budget estimates of the annual receipts and expenditure of the Committee and of supplementary estimates of expenditure not included in the budget estimates, and the manner in which such estimates shall be sanctioned and published ;
- (m) for defining the powers of the Committee, the Standing Finance Sub-Committee, if any, the President and the Secretary, respectively, in regard to the expenditure of the funds of the Committee, whether provision has or has not been made in the budget estimates or by re-appropriation for such expenditure, and in regard to the reappropriation of estimated savings in the budget estimates of expenditure;

- (n) for prescribing the maintenance of accounts of the receipts and expenditure of the Committee and providing for the audit of such accounts;
- (o) for prescribing the manner in which payments are to be made by or on behalf of the Committee, and the officers by whom orders for making deposits or investments or for withdrawal or disposal of the funds of the Committee shall be signed;
- (p) for determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest, and the conditions on which such monies may be otherwise invested;
- (q) for prescribing the preparation of a statement showing the sums allotted to State Departments of Agriculture or institutions not under the direct control of the Committee for expenditure on research, the actual expenditure incurred, the outstanding liabilities, if any, and the disposal of unexpended balances at the end of the year;
- (r) the assessment, levy and payment of the cotton cess in respect of cotton exported by sea ¹[or by land]; and
- (s) any other matter which is to be or may be prescribed.

16. The Committee may, with the previous sanction of the ²[Central Government], make rules consistent with this Act and with any rules made under section 15 to provide for all or any of the following matters namely :—

Power of the Committee to make rules.

- (a) for the appointment of a Standing Finance Sub-Committee and the delegation thereto of any powers exercisable under this Act by the Committee;
- (b) for prescribing the method of appointment, removal and replacement and the term of office of members of the Standing Finance Sub-Committee, and for the filling of vacancies therein;

¹These words inserted by the Indian Cotton Cess (Amendment) Act, 1924 (I of 1924), s. 5.

²These words were substituted for the words "Governor-General in Council" by the A. O., 1937.

- (c) for the appointment of the dates, times and places for meetings of the Committee, and the Standing Finance Sub-Committee, and for regulating the procedure to be observed at such meetings;
- (d) for determining the circumstances in which security may be demanded from officers and servants of the Committee, and the amount and nature of such security in each case;
- (e) for determining the times at which, and the circumstances in which payments may be made out of the provident fund and the conditions on which such payments shall relieve the fund from further liability;
- (f) for determining the contribution, if any, payable from the funds of the Committee to the provident fund;
- (g) for regulating generally all matters incidental to the provident fund and the investment thereof;
- (h) for defining the powers and duties of the Secretary of the Committee.

Publication
Rules.

17. All rules made under section 15 or section 16 shall be published in the ¹[Official Gazette] and, on such publication, shall have effect as if enacted in this Act.

²THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937

ACT NO. I OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor-General on the 24th February, 1937)

An Act to provide for the grading and marking of Agricultural ³[and other] produce

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; it is hereby enacted as follows:—

Short title and
extent.

1. (1) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937.

⁴[(2) It extends to the whole of India, except Part B States.].

¹These words were substituted for the words "Gazette of India" by the A. O. 1937.

²For Statement of Objects and Reasons, see *Gazette of India, Extraordinary*, dated 13th February, 1937, page 71.

³Inserted by Act, XIII of 1942, (with effect from 24th February, 1937).

⁴Substituted by A. O., 1948, and A. O., 1950.

2. In this Act, unless the contrary appears from the subject or context,—

Explanations.

- (a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;
- (b) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code;
- (c) "covering" includes any vessel, box, crate, wrapper, tray or other container;
- (d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;
- (e) "grade designation mark" means a mark prescribed as representing a particular grade designation;
- (f) "quality", in relation to any article, includes the state and condition of the article;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "scheduled article" means an article included in the Schedule; and
- (i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

3. The ¹[Central Government] may, after previous publication by notification in the ²[Official Gazette], make ³rules—

Prescription of
grade designa-
tions.

- (a) fixing grade designations to indicate the quality of any scheduled article;
- (b) defining the quality indicated by every grade designation;
- (c) specifying grade designation marks to represent particular grade designations;

¹Substituted by A.O. 1937, for "Governor-General in Council".

²Substituted, *ibid*, for "Gazette of India".

³For such rules, see *Gazette of India*, 1937, Part I, pages 547 to 564.

- (d) authorising a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;
- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;
- (f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark ¹or with measures for the control of the quantity of the articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles]; and
- (g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

Penalty for
unauthorised
marking with
grade designa-
tion mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable with fine which may extend to five hundred rupees.

Penalty for
counterfeiting
grade designa-
tion mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

¹Inserted by Act XX of 1943, section 2.

6. The ¹[Central Government], after such consulta-
 tion as ²[it] thinks fit of the interests likely to be affected,
 may by notification in the ³[Official Gazette] declare that
 the provisions of this Act shall apply to an article of agri-
 cultural produce not included in the Schedule, ⁴[or to an
 article other than an article of agricultural produce], and
 on the publication of such notification such article shall be
 deemed to be included in the Schedule.

Extension
 application
 Act.

of
 of

THE SCHEDULE.

(See section 2.)

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THE LAND ACQUISITION ACT, 1894.

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¹Substituted by A. O., 1937, for "Governor-General in Council".

²Substituted by A. O., 1937, for "he".

³Substituted by A. O., 1937, for "Gazette of India".

⁴Inserted by Act XII of 1942.

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LAND ACQUISITION ACT NO. I OF 1894.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor-General on the
2nd February 1894.)

Amended by—

ACTS IV AND X OF 1914,
ACT XVII OF 1919,
ACT XXXVIII OF 1920,
ACT XIX OF 1921,
ACT XXXVIII OF 1923,
ACT XVI OF 1933,
ACT I OF 1938,
EAST PUNJAB ACT XV OF 1948,
PUNJAB ACT II OF 1954,
PUNJAB ACTS 17 AND 47 OF 1956,
ADAPTED BY A.O. 1937,
ADAPTED BY INDIAN INDEPENDENCE (ADAPTATION OF
CENTRAL ACTS AND ORDINANCES ORDER), 1948,
ADAPTED BY ADAPTATION OF LAWS ORDER, 1950, AND
ADAPTATION OF LAWS (THIRD AMENDMENT)
ORDER, 1951.

AN ACT TO AMEND THE LAW FOR THE
ACQUISITION OF LAND FOR PUBLIC PUR-
POSES AND FOR COMPANIES

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title, ex-
tent and com-
mencement.

1. (1) This Act may be called the Land Acquisition Act, 1894;

(2) It extends to ¹[the whole of India except Part B States]; and

(3) It shall come into force on the first day of March, 1894.

2. (*Repealed partly by Act X of 1914, and partly by Act I of 1938*).

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(b) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression “Collector” means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the ²[appropriate Government] to perform the functions of a Collector under this Act;

(d) the expression “Court” means a principal Civil Court of original jurisdiction, unless the ¹[appropriate Government] has appointed (as it is hereby empowered to do) a special

¹Substituted by Adaptation of Laws Order, 1950.

²Substituted by Adaptation of Laws Order, 1950 (First Schedule), for “Provincial Government”.

judicial officer within any specified local limits to perform the functions of the Court under this Act;

(e) the expression "Company" means a Company registered under the ¹Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament ²[of the United Kingdom] or ³[by an Indian Law]; or by Royal Charter or Letters Patent; ⁴*[and includes a society registered under the societies Registration Act, 1860, and a registered society within the meaning of the Co-operative Societies Act, 1912.]*

VI of
1882.

II of
1912.

⁵[(ee) the expression "appropriate Government" means, in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government].

(f) the expression "public purpose" includes the provision of village-sites in districts in which the ⁶[appropriate Government] shall have declared by notification in the official Gazette that it is customary for the Government to make such provision; and

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

¹See now the Indian Companies Act, 1913 (7 of 1913).

²Inserted by Adaptation of Laws Order, 1950 (First Schedule).

³Substituted by A. O., 1937, for "of the Governor-General in Council".

⁴Inserted by Act XVII of 1919, section 2.

⁵Added by Adaptation of Laws Order, 1950 (First Schedule).

⁶Substituted by Adaptation of Laws Order, 1950 (First Schedule).

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted;

Provided that—

(i) no person shall be deemed “entitled to act” whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of Chapter XXXI of the ¹Code of Civil Procedure shall, *mutatis* XIV of 1882. *mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

(iv) no person “entitled to act” shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

¹See now Act V of 1908.

PART II.
ACQUISITION.

Preliminary Investigation.

4. (1) Whenever it appears to the ¹[appropriate Government] that land in any locality ²[is needed or] is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

Publication of preliminary notification and powers of officers thereupon.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of work (if any), proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches; and

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

¹Substituted by Adaptation of Laws Order 1950 (First Schedule). for "Provincial Government".

²Inserted by Act XXXVIII of 1923.

Payment
damage.

for

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief Revenue-officer of the district and such decision shall be final.

¹[Objections.

Hearing of objec-
tions.

5-A. (1) Any person interested in any land which has been notified under section 4, subsection (1), as being needed or likely to be needed for a public purpose or for a Company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under subsection (1), shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the ²[appropriate Government], together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the ²[appropriate Government] on the objections shall be final.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.]

Declaration of intended acquisition.

Declaration that
land is requir-
ed for a public
purpose

6. (1) Subject to the provisions of Part VII of this Act, ³[when the ²[appropriate Government] is satisfied, after considering the report, if any, made under section 5-A, sub-section (2),] that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders :

¹Inserted by Act XXXVIII of 1923, section 3.

²Substituted by Adaptation of Laws Order, 1950 (First Schedule), for "Provincial Government".

³Substituted by Act XXXVIII of 1923, for the words "whenever it appears to the Local Government".

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the ¹[appropriate Government] may acquire the land in manner hereinafter appearing.

7. Whenever any land shall have been so declared to be needed for a public purpose or for a Company, the ¹[appropriate Government], or some officer authorized by the ¹[appropriate Government] in this behalf, shall direct the Collector to take order for the acquisition of the land. After declaration Collector to take order for acquisition.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section (4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same. Land to be marked out, measured and planned.

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him. Notice to persons interested.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of

¹Substituted by Adaptation of Laws Order, 1950 (Schedule I), for the words "Provincial Government". The words "Provincial Government" had been substituted for the words "Local Government" by A. O., 1937.

their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue-district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Part III of the ¹Indian Post Office Act, 1866. XIV of 1866.

Power to require and enforce the making of statements as to names and interests.

10. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code. XLV of 1860.

Enquiry into Measurements, Value and Claims, and Award by the Collector.

Enquiry and award by Collector.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any)

¹See now the Indian Post Office Act, 1898 (VI of 1898).

which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land ¹[at the date of the publication of the notification under section 4, subsection (1)], and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

12. (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested. Award of Collector when to be final.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representative when the award is made.

13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him. Adjournment of enquiry.

14. For the purpose of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) Power to summon and enforce attendance of witnesses and production of documents.
 XIV in the same manner, as is provided in the case of a Civil ¹⁰ Court, under the ²Code of Civil Procedure.
 1883.

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24. Matters to be considered and neglected.

¹Inserted by Act XXXVIII of 1938.

²See now Act V of 1908.

Taking possession.

Power to take possession.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the ¹[Government], free from all encumbrances.

Special powers in cases of urgency.

17. (1) In cases of urgency whenever, the ²[appropriate Government] so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, subsection (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the ¹[Government], free from all encumbrances.

³[*Explanation*:—This subsection shall apply to any waste or arable land, notwithstanding the existence therein of scattered trees or temporary structures such as huts, pandals or sheds].

⁴[(2) In the following cases, that is to say,—

“(a) Whenever owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a riverside or ghat station, or of providing convenient connection with or access to any such station;

(b) Whenever in the opinion of the Collector it becomes necessary to acquire the immediate possession of any land for the purpose of any

¹Substituted for “Crown” by Adaptation of Laws Order, 1950.

Substituted by *ibid* (First Schedule), for “Provincial Government”.

³Explanation added after subsection (1) for Punjab by Punjab Act, II of 1954.

⁴Substituted for application in Punjab by *ibid*.

library or educational institution or for the construction, extension or improvement of any building or other structure in any village for the common use of the inhabitants of such village, or any godown for any society registered under the Co-operative Societies Act, 1912 (Act II of 1912), or any dwelling-house for the poor, or the construction of labour colonies ¹[or houses for any other class of people] under a Government-sponsored Housing Scheme, or any irrigation tank, irrigation or drainage channel, or any well, or any public road;

²[(c) whenever land is required for a public purpose which in the opinion of the appropriate Government is of urgent importance];

the Collector may, immediately after the publication of the notice mentioned in subsection (1) and with the previous sanction of the appropriate Government enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances;

Provided, that the Collector shall not take possession of any building or part of a building under this subsection without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.]

(3) In every case under either of the preceding subsections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

¹Inserted by Punjab Act No. 17 of 1956.

²Added by Punjab Act No. 47 of 1956.

¹[(4) In the case of any land to which, in the opinion of the ²[appropriate Government], the provisions of subsection (1) or subsection (2) are applicable, the ²[appropriate Government] may direct that the provisions of section 5-A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, subsection (1).]

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference
Court.

to 18. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of compensation, the persons to whom it is payable, or the apportionment of the compensation, among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award.

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section

¹Inserted by Act XXXVIII of 1923.

²Substituted by Adaptation of Laws Order, 1950 (Schedule I), for "Provincial Government".

12, subsection (2), or within six months from the date of the Collector's award, whichever period shall first expire.

'[(3) Any order made by the Collector on an application under this section shall be subject to revision by the High Court, as if the Collector were a Court subordinate to the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908 (V of 1908)].

19. (1) In making the reference, the Collector shall state, for the information of the Court, in writing under his hand,— Collector's statement to the Court.

- (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;
- (b) the names of the persons whom he has reason to think interested in such land;
- (c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and
- (d) if the objection be to the amount of compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the parties interested respectively.

20. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely:— Service notice. of

- (a) the applicant;

²Added by Punjab Act No. 47 of 1956.

- (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

Restriction on
scope of pro-
ceedings.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings to
be in open
Court.

22. Every such proceeding shall take place in open court, and all persons entitled to practise in any Civil Court in the ¹[State] shall be entitled to appear, plead and act (as the case may be) in such proceeding.

Matters to be
considered in
determining
compensation.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the court shall take into consideration—

First, the market-value of the land at the date of the publication of the ²[notification under section 4, subsection (1)];

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

¹Substituted by Adaptation of Laws Order, 1950, for "Province".

²Substituted by Act XXXVIII of 1923, for "declaration relating there-
to under section 6".

fifthly, if in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land:

(2) In addition to the market-value of the land as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition:

24. But the Court shall not take into consideration—

Matters to be neglected in determining compensation.

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or,

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the ¹[*notification under section 4, subsection (1)*],

Rules as to
amount of com-
pensation.

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

(2) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount by the Collector.

Form
awards.

26. ²(1) Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first* of subsection (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same subsection, together with the grounds of awarding each of the said amounts.

²[(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2, clause (2), and section 2, clause (9), respectively, of the Code of Civil Procedure, 1908.]

V of
1908.

¹Substituted by Act XXXVIII of 1923, s. 8, for "declaration under section 6".

²Existing section 26 renumbered as subsection (1) and new subsection (2) inserted by Act XIX of 1921, section 2.

27. (1) Every such award shall also state the ^{Costs.} amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of ¹[four] per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court. ^{Collector may be directed to pay interest on excess compensation.}

PART IV.

APPORTIONMENT OF COMPENSATION.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment. ^{Particulars of apportionment to be specified}

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court. ^{Dispute as to apportionment.}

PART V

PAYMENT.

31. (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested thereto according to the award, and shall pay it to them ^{Payment of compensation or deposit of same in Court.}

¹Substituted for Punjab, by Punjab Act II of 1954, for "six".

unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted :

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount :

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18 :

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the Collector may, with the sanction of the ¹[appropriate Government], instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing subsection shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to ²contract in respect thereof.

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

¹Substituted by Adaptation of Laws Order, 1950 (First Schedule), for "Provincial Government".

²As to persons who are competent to contract, see section 11 of the Indian Contract Act, 1872 (IX of 1872).

- (a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or
- (b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit ;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

- (i) in the purchase of such other lands as aforesaid ; or
- (ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely—

- (a) the costs of such investments as aforesaid ;
- (b) the costs of the orders for the payment of the interest or other proceeds, of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved

Investment of
money deposit-
ed in other cases.

securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Payment
interest.

of 34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of ¹[four] per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary oc-
cupation
waste
arable
Procedure when
difference as to
compensation
exists.

35. (1) Subject to the provisions of Part VII of this Act whenever it appears to the ²[appropriate Government] that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the ²[appropriate Government] may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land for the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

¹Substituted for Punjab by Punjab Act II of 1954, for "six".

²Substituted by Adaptation of Laws Order, 1950 (First Schedule), for "Provincial Government".

36. (1) On payment of such compensation, or on executing such agreement or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice. Power to enter and take possession. and compensation on restoration.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein :

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the ¹[appropriate Government] shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court. Difference as to condition of land.

PART VII

ACQUISITION OF LAND FOR COMPANIES.

38. (1) * ² * The ¹[appropriate Government] may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4. Company may be authorized to enter and survey. and survey.

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

¹[38-A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as Industrial concern to be deemed Company for certain purposes.

¹Substituted by Adaptation of Laws Order, 1950 (First Schedule), for "Provincial Government".

²The words "subject to such rules as the Governor-General of India in Council, may from time to time prescribe in this behalf", repealed by s. 2, Schedule I of the Devolution Act, 1920 (38 of 1920).

³New section 38-A, inserted by Act XVI of 1933.

concerns the acquisition of such land, be deemed to be a Company for the purposes of this part, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern.] XVI
of
1933.

Previous consent of appropriate Government and execution of agreement necessary.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the ¹[appropriate Government], nor unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry.

40. (1) Such consent shall not be given unless the ¹[appropriate Government] be satisfied ²[either on the report of the Collector under section 5-A, sub-section (2), or] by an enquiry held as hereinafter provided,—

³[(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

(b) that such acquisition is needed for the construction of some work⁴, and that such work is likely to prove useful to the public.]

(2) Such enquiry shall be held by such officer and at such time and place as the ¹[appropriate Government] shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the ⁵Code of Civil Procedure in the case of a Civil Court. XIV
of
1882.

Agreement with Government. Appropriate

41. *⁶* If the ¹[Appropriate Government] is satisfied ⁷[after considering the report, if any of the Collector under section 5-A, sub-section (2), or on the

¹Substituted by Adaptation of Laws Order, 1950, Schedule for the words, "Provincial Government."

²Inserted by Act XXXVIII of 1923.

³Substituted for the original clauses (a) and (b) by Act, XVI of 1933.

⁴The term "work" shall be deemed to include electrical energy supplied or to be supplied, by means of the work to be constructed,—vide section 57 (1) of the Indian Electricity Act, 1910 (IX of 1910).

⁵See now Act V of 1908.

⁶The words "such officer shall report to the Local Government the result of his enquiry, and", omitted by Act XXXVIII of 1923.

⁷Inserted by *ibid*.

report of the officer making an enquiry under section 40] that '[the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or that] the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall *²* require the Company to enter into an agreement³ [with the '[appropriate Government], providing to the satisfaction of the '[appropriate Government]] for the following matters, namely—

(1) the⁵ [payment to the '[appropriate Government]] of the cost of the acquisition ;

(2) the transfer, on such payment, of the land to the Company ;

(3) the terms on which the land shall be held by the Company ;

⁶[(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided ; and

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the 'work].

42. Every such agreement shall, as soon as Publication of
may be after its execution, be published *⁸* in the agreement.
'[official Gazette]. and shall thereupon (so far as

¹Inserted by Act XVI of 1933.

²The words "subject to such rules as the Governor-General in Council, may from time to time prescribe in this behalf," repealed by Act 38 of 1920.

³Substituted by A. O. 1937, for the words "with the Secretary of State for India in Council".

⁴Substituted by Adaptation of Laws Order, 1950 (First Schedule), for "Provincial Government".

⁵Substituted by A. O. 1937, for "payment to Government."

⁶Substituted by Act XVI of 1933.

⁷The term "work" shall be deemed to include electrical energy supplied or to be supplied, by means of the work to be constructed,—vide section 57 (1) of the Electricity Act, 1910 (IX of 1910).

⁸The word "in the Gazette of India and also," omitted by Act of 1937.

⁹Substituted by Act, of 1937, for "Local Official Gazette."

regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

Sections 39 to 42
not to apply
where Govern-
ment bound by
agreement to
provide land for
Companies.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870,* shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which ¹[under any agreement with such company the Secretary of State for India in Council the Secretary of State ²[the Central Government or any ³[State] Government] is or was bound to provide land].

X
of
1870.

How agreement
with Rail-
way Company
may be proved.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

PART VIII. MISCELLANEOUS.

Service
notices.

of 45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.
(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer

¹Substituted by A. O. 1937, for "under any agreement between such Company and the Secretary of State for India in Council, the Government is, or was, bound to provide land."

²Substituted by A. O. 1948, for "the Government".

³Substituted by A. O. 1950, for "Provincial".

*Repealed by this Act.

aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired :

XIV
of
1866. Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under Part III of the ¹Indian Post Office Act, 1866, and service of it may be proved by the production of the addressee's receipt.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both. Penalty for obstructing acquisition of land.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector. Magistrate to enforce surrender.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken. Completion of acquisition not compulsory, but compensation to be awarded when not completed.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

¹See now the Indian Post Office Act, 1898 (VI of 1898).

Acquisition of
part of house or
building.

49. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired :

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired :

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested on account of the severing of the land to be acquired from his other land, the ¹[Appropriate Government] is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the ¹[Appropriate Government] to the person interested, and shall thereafter proceed to make his award under section 11.

Acquisition of
land at cost of a
local authority
or Company.

50. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental

¹Substituted by Adaptation of Laws Order, 1950, for "Provincial Government".

to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation :

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same. Exemption from stamp duty and fees.

52. No suit or other proceedings shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends. Notice in case of suits or anything done in pursuance of Act.

¹[**52-A.** No compensation awarded or awardable under this Act— Protection of compensation.

(a) before it is actually paid to the person entitled to receive the same ; or

(b) before or after it is actually paid to the person entitled to receive the same in respect of any land which is not liable under the law for the time being in force to attachment or sale in execution of a decree or order of any Court,

shall be liable to seizure, attachment or sequestration by process of any Court, at the instance of a creditor, for any demand, against the person entitled to compensation or in satisfaction of a decree or order of any Court, and, notwithstanding anything to the contrary in any law for the time being in force, neither the official assignee nor any receiver appointed under any law shall be entitled to proceed against or to have any claim on any such compensation.]

¹Section 52-A, inserted for Punjab, by East Punjab Act, XV of 1948.

Code of Civil
Procedure to ap-
ply to proceed-
ings before
Court.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the ¹Code of Civil Procedure shall apply to all proceedings before the Court under this Act.

Appeals in pro-
ceedings before
Court.

²[54. Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to ³[the Supreme Court], subject to the provisions contained in section ^{V of} 110 of the Code of Civil Procedure, 1908, and in Order ^{1908.} XLV thereof.]

Power to make
rules.

55. (1) The ⁴[Appropriate Government] shall * ⁵ * have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

* * * * *

(2) The power to make, alter and add to rules under subsection (1) shall be subject to the condition of the rules being made, altered or added to after previous publication.

* ⁷ * * (3) All such rules, alterations and additions shall * be published in the official Gazette, and shall thereupon have the force of law.

¹See now Act V of 1908.

²Substituted by Act X of 1921.

³Substituted by Adaptation 1950, First Schedule, for "His Majesty in Council."

⁴Substituted by *ibid*, for "Provincial Government".

⁵The words "subject to the control of the Governor-General in Council" which had been inserted by the Decentralization Act, 1914 (4 of 1914), were repealed by Act 38 of 1920.

⁶The Proviso, added by Act, 38 of 1920, was repealed by A. O. 1937.

⁷The words "when sanctioned by the Governor-General in Council," were repealed by Act IV of 1914.

THE LAND IMPROVEMENT LOANS ACT, 1883.**CONTENTS****SECTIONS.**

1. Short title, local extent and commencement.
2. Acts XXVI of 1871 and Act XXI of 1876 repealed.
3. "Collector" defined.
4. Purposes for which loans may be granted under this Act.
5. Mode of dealing with applications for loans.
6. Period for repayment of loans.
7. Recovery of loans.
8. Order granting loan conclusive on certain points.
9. Liability of joint borrowers as among themselves.
10. Power to make rules.
11. Exemption of improvements from assessment to land-revenue.
12. Certain powers of State Government to be exercisable by Board of Revenue or Financial Commissioner.

THE LAND IMPROVEMENT LOANS ACT, 1883

ACT No. XIX OF 1883.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*"(Received the assent of the Governor-General
on the 12th October 1883.)"*

As amended by—

ACT XII OF 1891, ACT XVIII OF 1899, ACT VIII OF 1906,
Adapted by

A. O. 1937

A. O. 1948

A. O. 1950

**An Act to consolidate and amend the law relating to
loans of money by the Government for Agri-
cultural Improvements****WHEREAS** it is expedient to consolidate and amend the
law relating to loans of money by the Government for
agricultural improvements; it is hereby enacted as
follows :—

1. (1) This Act may be called the Land Improve- Short title.
ment Loans Act, 1883.

Local extent and
Commencement.

(2) It extends to ¹[the whole of India except Part B States], but shall not come into force in any part of ²[a Part A State or a Part C State] until such date as the ³[State Government] may, by notification in the ⁴[official Gazette] appoint in this behalf.

Acts XXVI of
1871 and XXI of
1876 repealed.

2. (1) The Land Improvement Act, 1871, and Act XXVI of 1871 (An Act to amend the Land Improvement Act, 1871), shall except as regards the recovery of advances made before this Act comes into force and costs incurred by the Government in respect of such advances, be repealed.

(2) When in any Act, Regulation or Notification passed or issued before this Act comes into force, reference is made to either of those Acts, the reference shall, so far as may be practicable, be read as applying to this Act or the corresponding part of this Act.

"Collector"
defined.

3. In this Act, "Collector" means the Collector of land-revenue of a district, or the Deputy Commissioner or any officer empowered by the ³[State Government] by name or by virtue of his office to discharge the functions of a Collector under this Act.

Purposes for
which loan may
be granted under
this Act.

4. (1) Subject to such rules as may be made under section 10, loans may be granted under this Act by such officer as may, from time to time, be empowered in this behalf by the ³[State Government], for the purpose of making any improvement, to any person having a right to make that improvement, or with the consent of that person, to any other person.

(2) "Improvement" means any work which adds to the letting value of land, and includes the following, namely :—

(a) the construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;

¹Substituted by A. O. 1948, and A. O. 1950, for "the whole of British India".

²Substituted by *ibid*, for "British India".

³Substituted by A. O. 1937, and A. O. 1950, for "Local Government."

⁴Substituted by A. O. 1937, for "Local Official Gazette."

- (b) the preparation of land for irrigation ;
- (c) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is culturable;
- (d) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;
- (e) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; and
- (f) such other works as the ¹[State Government] may, from time to time, by notification in the ²[official Gazette], declare to be improvements for the purposes of this Act.

5. (1) When an application for a loan is made under this Act, the officer to whom the application is made may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice in such manner as the ¹[State Government] may, from time to time, direct calling upon all persons objecting to the loan to appear before him at a time and place fixed therein and submit their objections.

Mode of dealing with applications for loans.

(2) The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or over-ruling it :

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.

6. (1) Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise) within such period from the date

Period for re-payment of loans.

¹Substituted by A. O. 1950, for "Provincial Government".

²Substituted by A. O., 1937, for "local official Gazette".

of the actual advance of the loan, or, when the loan is advanced in instalments ¹[from the date of the advance of the last instalment actually paid] as may, from time to time, be fixed by the rules made under this Act.

(2) The period fixed as aforesaid shall not ordinarily exceed thirty-five years.

(3) the ²[State Government] in making the rules fixing the period shall, in considering whether the period should extend to thirty-five years, or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.

Recovery
loans.

of **7. (1)** Subject to such rules as may be made under section 10, all loans granted under this Act, all interest (if any) chargeable (thereon) and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely—

- (a) from the borrower—as if they were arrears of land-revenue due by him;
- (b) from his surety (if any)—as if they were arrears of land-revenue due by him;
- (c) out of the land for the benefit of which the loan has been granted—as if they were arrears of land-revenue due in respect of that land;
- (d) out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due.

¹These words were substituted for the words “from the date of the actual advance of the last instalment” by section 2 of the Land Improvement Loans (Amendment) Act, 1899 (XVIII of 1899), and are by that enactment to be deemed to have been substituted with effect from the commencement of Act XIX of 1883.

²Substituted by Adaptation of Laws Order, 1950.

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or is recovered under subsection (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by sub-section (1).

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

8. A written order under the hand of an officer empowered to make loans under this Act granting a loan to, or with the consent of, a person mentioned therein, for the purpose of carrying out a work described therein, for the benefit of land specified therein, shall, for the purposes of this Act, be conclusive evidence—

Order granting loan on points. conclusive certain

- (a) that the work described is an improvement within the meaning of this Act;
- (b) that the person mentioned had at the date of the order a right to make such an improvement; and
- (c) that the improvement is one benefiting the land specified.

9. When a loan is made under this Act to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment

Liability of joint borrowers as among themselves.

of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Power to make rules.

10. The ¹[State] Government may, from time to time by notification in the ²[official Gazette], make rules consistent with this Act to provide for the following matters, namely :—

- (a) the manner of making applications for loans;
- (b) the officers by whom loans may be granted;
- (c) the manner of conducting inquiries relative to applications for loans and the powers to be exercised by officers conducting those inquiries;
- (d) the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;
- (e) the inspection of works for which loans have been granted;
- (f) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid;
- (g) the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and
- (h) all other matters pertaining to the working of the Act.

¹Substituted by A. O. 1950, for "Provincial."

²Substituted by A. O. 1937, for "Local Official Gazette".

11. When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land : Exemption of Improvements from assessment to land revenue.

Provided as follows :—

(1) where the improvement consists of the reclamation of waste-land, or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rules to be framed by the ¹[State] Government. * * 2 *

(2) nothing in this section shall entitle any person to call in question any assessment of land-revenue otherwise than as it might have been called in question if this Act had not been passed.

³[12. The powers conferred on a ¹[State] Government by sections 4(1), 5(1) and 10 may, in a ⁴[State] Government for which there is a Board of Revenue or a Financial Commissioner, be exercised in the like manner and subject to the like conditions by such Board or Financial Commissioner, as the case may be : provided that rules made by a Board of Revenue or Financial Commissioner shall be subject to the control of the ¹[State] Government.] Certain powers of State Government to be exercisable by Board of Revenue or Financial Commissioner.

GENERAL NOTES.—1. Government of India, Finance and Commerce Department, notification No. 4650, dated 10th September, 1889, clause (12), remits the fees chargeable on applications for loans under the Land Improvement Loans Act, XIX of 1883.

2. By Article 57 of Schedule I to the Indian Stamp Act, II of 1899, instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or by their sureties, as security for the repayment of such advances, are exempted from stamp duty.

3. Government of India, Finance Department notification No. 3616-Exc., dated 16th July 1909, remits the stamp duty chargeable on an instrument executed for the purpose of securing the repayment of a loan made, or to be made, under the Land Improvement Loans Act, 1883 (XIX of 1883), including an instrument whereby a landlord binds himself to consent to the transfer, in the event of default in such repayment, of any land, or interest in land, on the security of which any such loan is made to his tenant.

¹Substituted by A. O., 1950, for "Provincial".

²The words "with the approval of the Governor-General in Council", repealed by Act VIII of 1906.

³Inserted by Act IV of 1914. The original section 12, was repealed by Act, XVI of 1908.

⁴Substituted by A. O., 1950, for "Province".

THE AGRICULTURISTS' LOANS ACT, 1884.**CONTENTS****SECTIONS.**

1. Preamble, short title and commencement.
2. Local extent.
3. Repeal of Act X of 1879, and sections 4 and 5 of Act XV, of 1880.
4. Power for State Government to make rules.
5. Recovery of loans.
6. Liability of joint borrowers as among themselves.

ACT NO. XII OF 1884.**PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL***(Received the assent of the Governor-General on the 24th July 1884.)***As Adapted by****A. O. 1937****A. O. 1948****A. O. 1950****As amended by—****Act VIII of 1906, Act IV of 1914 AND ACT X OF 1914.****AN ACT TO AMEND AND PROVIDE FOR THE
EXTENSION OF THE NORTHERN INDIA
TACCAVI ACT, 1879.****WHEREAS it is expedient to amend the Northern
India Takkavi Act, 1879, and provide for its extension**

X of 1879. to ' [other ² [Part A States or Part C States]]; It is Preamble.
hereby enacted as follows :—

1. (1) This Act may be called the Agriculturists' Short title.
Loans Act, 1884; and

(2) It shall come into force on the first day of Commencement.
August, 1884.

2. (1) This section and section 3 extend to ³ [the Local extent.
whole of India except Part B States]

(2) The rest of this Act extends in the first ins-
tance only to ' [Bombay] ⁵ [Uttar Pradesh] ⁶ [Pun-
jab] ⁵ [Madhya Pradesh] Assam, Delhi and ⁵ [Ajmer]].

IV of 1914.
X of 1906. (3) But ⁶ [any ⁷ [State] Government] may, from
time to time, by notification in the official Gazette, ex-
tend the rest of this Act to the whole or any part of
the territories under its administration.

3. * * * *

4. (1) The ⁷ [State] Government ⁹ [or, in a Power for State
¹⁰ [State] for which there is a Board of Revenue or Fin- Government to
ancial Commissioner, such Board or Financial Com- make rules.
missioner subject to the control of the ⁷ [State] Gov-
ernment] may, from time to time ¹¹ [*] make rules as

¹Substituted by A. O. 1948.

²Substituted by A. O. 1950.

³Substituted by A. O. 1950.

⁴Substituted by A. O. 1948.

⁵Substituted by A. O. 1950.

⁶Substituted by A. O. 1937.

⁷Substituted by A. O. 1950.

⁸Section 3, repealed by Act I of 1938.

⁹Inserted by Act, IV of 1914.

¹⁰Substituted by ibid for "Province".

¹¹The words "subject to the control of the Governor-General, in Council", repealed by Act, IV of 1914.

to loans to be made to owners and occupiers of arable land for the relief of distress, the purchase of seed or cattle or any other purpose not specified in the Land Improvement Loans Act, 1883, but connected with agricultural objects.

(2) All such rules shall be published in the ¹[official Gazette.]

Recovery
loans.

of 5. Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Liability of joint
borrowers as
among them-
selves.

6. When a loan is made under this Act to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked, or sealed by each of them or his agent duly authorized in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

GENERAL NOTES.—1. Government of India Finance and Commerce Department. notification No 4650. dated 10th September 1889, clause (12), remits the fees chargeable on applications for loans under the Agriculturists' Loans Act (XII of 1884).

2. By Article 57 of Schedule I to the Indian Stamp Act, II of 1899, instruments executed by persons taking advances under the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances, are exempted from stamp duty.

3. Government of India, Finance Department, notification No. 3616-Exc., dated 16th July 1909, remits the stamp duty chargeable on—

(i) An instrument executed for the purpose of securing the repayment of a loan made, or to be made, under the Agriculturists' Loans Act, 1884 (XII of 1884), including an instrument whereby a landlord binds himself to consent to the transfer, in the event of default in such repayment, of any land, or interest in land, on the security of which any such loan is made to his tenant;

(ii) A receipt given by a person for advances exceeding Rs. 20 received by him from the Government under the Agriculturists' Loans Act, 1884 (XII of 1884).

¹Substituted by A. O. 1937, for "Local Official Gazette".

Punjab Act No. 45 of 1956.

¹THE PUNJAB BHUDAN YAGNA ACT, 1955.

[Received the assent of the President on the 29th October, 1956; and was first published in the *Punjab Government Gazette (Extraordinary)*, of 31st October, 1956.]

AN
ACT

to facilitate activities in connection with the Bhudan Yagna initiated by Shri Acharya Vinoba Bhave, to provide for the constitution of a Bhudan Yagna Board, the donation of lands to the said Board, the distribution of lands received in donation to landless persons as also their utilisation for community purposes; and for purposes connected with the matters aforesaid.

BE it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY.

1. (1) This Act may be called the Punjab Bhudan Yagna Act, 1955. Short title, extent and commencement.

(2) It extends to the whole of Punjab.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) “Bhudan holder” means a person recorded in village papers or record-of-rights as a Bhudan holder under section 25;

(b) “Bhudan Yagna” means the movement initiated by Shri Acharya Vinoba Bhave for the acquisition of lands through voluntary gifts in favour of the Board;

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1955, page 738.

- (c) "Board" means the Bhudan Yagna Board established under section 3;
- (d) "Community purpose" means any purpose which is for the good of the community of the village in general.
- (e) "land" means land which is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture ;
- (f) "landless person" means a person holding no land or land less than the area which may be prescribed in this behalf;
- (g) "Revenue Officer" means such Revenue Officer appointed under the Punjab Land Revenue Act, 1887, as the State Government may, by notification, appoint to discharge the functions of a Revenue Officer under that Act;
- (h) "prescribed" means prescribed by rules made under this Act.

CHAPTER II—ESTABLISHMENT OF THE BOARD.

Incorporation of
Bhudan Yagna
Board.

3. (1) There shall be established a Board by the name of the Punjab Bhudan Yagna Board.

(2) The Board shall be a body corporate having perpetual succession and common seal with power to acquire and dispose of property both movable and immovable and shall, by the said name, sue and be sued.

(3) It shall be the duty of the Board to administer all lands vested in it for the benefit of the Bhudan Yagna in accordance with the provisions of this Act and the rules made thereunder.

Constitution
Board.

4. (1) The Board shall consist of the following namely :—

- (a) the Chairman—to be nominated by Shri Acharya Vinoba Bhave; and
- (b) six or more, but not exceeding ten members to be nominated by Shri Acharya Vinoba Bhave.

(2) One of the members shall be appointed as the Secretary of the Board by Shri Acharya Vinoba Bhave.

(3) The Board may delegate any of its powers and functions under the Act except the power to make regulations under section 34 to the Secretary or any member or to a sub-committee of three or more of its members.

5. (1) A Chairman, Secretary or member nominated under section 4 shall hold office for a term of four years and shall be eligible for re-nomination. Term of office of members or Chairman.

(2) The nomination of Chairman, Secretary and the members shall be notified in the Gazette and the term of office shall commence from such date as may be notified in this behalf:

Provided that the Board may remove from office any of its members who, in its opinion, has failed to perform or is unable to carry out his duties or has so abused his position as a member of the Board as to render his continuance as such detrimental to the interest of the public or the Bhudan Yagna.

6. (1) The Chairman, Secretary or any member of the Board may, at any time, resign his office by submitting his resignation to Shri Acharya Vinoba Bhave. No such resignation shall take effect until it is accepted. Filling vacancy. of

(2) Any vacancy of a Chairman, Secretary or a member shall be filled as early as practicable.

7. Anything done or any proceedings taken under this Act shall not be questioned on account of the existence of any vacancy in the Board or any defect or irregularity in the nomination of the Chairman, Secretary or any member of the Board. Validity of proceedings.

8. The Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions. Appointment of officers and servants.

9. The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be determined by regulations made in this behalf by the Board. Conditions of service of officers and servants.

Conduct of business.

10. The Board shall meet and shall, from time to time, make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely :—

- (a) the Chairman may, whenever he thinks fit, call special meetings;
- (b) every meeting shall be presided over by the Chairman and, in his absence, by any member chosen by the meeting to preside for the occasion;
- (c) all questions at any meeting shall be decided by a majority of the members present and, in case of equality of votes, the person presiding shall have and exercise a second or casting vote; and
- (d) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

11. (1) The quorum for the meeting shall be of five members.

(2) If at any meeting of the Board a quorum is not present, the Chairman shall adjourn the meeting to such other date as he may think fit, and the business, which would have been brought before the original meeting, if there had been a quorum present, shall be brought before, and transacted at, the adjourn meeting, whether there is a quorum present thereat or not.

Board's funds.

12. The Board shall have its own fund and may accept grants, donations, gifts or loans from the Central or the State Governments or any local authority or any individual or body of persons, whether incorporated or not, for all or any of the purposes of this Act.

Application of funds.

13. All property, fund and other assets vesting in the Board shall be held and applied by it in accordance with the provisions of this Act and the Rules made thereunder.

Power to make contract.

14. The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

15. (1) If at any time the State Government is satisfied that— Dissolution of
the Board.

- (a) the Board has failed without reasonable cause or excuse to discharge duties or to perform functions imposed or assigned by or under this Act,
- (b) circumstances have so arisen that the Board is rendered unable or may be rendered unable to discharge duties or to perform functions imposed or assigned by or under this Act, or
- (c) it is otherwise expedient or necessary to dissolve the Board.

it may by notification in the official Gazette—

- (i) dissolve the Board for the period to be specified;
- (ii) direct the reconstitution of the Board in accordance with the provisions of section 4 of this Act; and
- (iii) declare that the duties, powers and functions of the Board under this Act shall for the period for which it has been dissolved be discharged, exercised and performed by such person or authority and subject to such restrictions as may be specified therein.

(2) The State Government may make such incidental and consequential provisions as may appear to be necessary for this purpose.

16. (1) The Board may, for any Tahsil where it considers necessary so to do, constitute Tahsil Committees consisting of not less than three and not more than seven members to be appointed by the Board. Tahsil Committees. Com-

(2) The Tahsil Committee may delegate any of its powers and functions under the Act to any member or to a sub-committee of three or more of its members.

CHAPTER III—DONATION OF LAND.

Procedure for
making donation
of land.

17. (1) Any person owning a transferable interest in land and desiring to make a gift thereof to the Board may submit a declaration making the offer in the prescribed form to the Board.

(2) The Board shall, if it considers the gift acceptable, forward the declaration to the Revenue Officer having jurisdiction in the Tahsil where the land is situate.

(3) On receipt of the declaration mentioned in subsection (1), the Revenue Officer shall, if satisfied, after such enquiry as he thinks necessary, that the donor is competent to make the gift and has valid title in the land, issue a notice in the prescribed form to such person as he may consider interested in the property calling upon them, before a date specified in the notice, to show cause why the gift should not be accepted.

(4) The Revenue Officer shall also affix a copy of the notice referred to in subsection (3) on the notice-board of his Court and shall cause it to be published by beat of drum in the village where the land is situate.

(5) Any person interested in the property may, before the date specified in the notice, file an objection before the Revenue Officer showing cause why the gift should not be accepted.

(6) All such objections shall be enquired into and decided by the Revenue Officer.

(7) If no objection is filed before the specified date, or if all the objections filed have been rejected by the Revenue Officer, he shall pass an order accepting the gift on behalf of the Board.

(8) On the acceptance of the gift, all title and interest of the donor in the land shall be extinguished and the land shall, subject to the provisions of section 18, vest in the Board in the same rights in which it was held by the donor.

(9) The Revenue Officer may at any stage of the proceeding reject the offer of the donor on any of the following grounds, namely:—

(i) that the donor is incompetent to make the gift ;

- (ii) that the title of the donor is defective;
- (iii) that there are encumbrances on the land;
- (iv) such other grounds as may be prescribed.

18. The order of the Revenue Officer, rejecting an objection passed under subsection (7) of section 17, shall not, be subject to appeal or revision but any party aggrieved by the order or any other person interested in the land who had no notice of the proceedings under section 17 may, within six months from the date of such order, institute a suit in the Civil Court having jurisdiction to have the order set aside and the decision of such Court shall be binding on the Board, and subject to the result of such suit, if any, the order of the Revenue Officer shall be conclusive.

Order of Revenue Officers subject of civil suit.

19. Every gift of land in respect of which an order has been passed under section 17 shall, after the date of the order, be irrevocable.

Gifts to be irrevocable.

20. Except for any decree passed under section 18 the lands vesting in the Board shall not be liable to attachment or sale in execution of any decree or order passed by a Civil Court against the Board.

Land vesting in Board not attachable.

21. (A) (1) Where any land has been donated for purposes of the Bhudan Yagna prior to the commencement of this Act, the Board shall prepare a list of all such lands showing therein—

Donation of land prior to commencement of Act.

- (a) the area and description;
- (b) the name of the donor;
- (c) the nature of the interest of the donor in the land;
- (d) if the land has been granted to any person in pursuance of the Bhudan Yagna, the name of the person to whom the land has been granted;
- (e) the date of the grant under clause (d); and
- (f) such other particulars as may be prescribed.

(2) The list so prepared shall be forwarded to the Deputy Commissioner of the district within whose jurisdiction the land is situate.

(3) On receipt of such list, the Deputy Commissioner shall cause action to be taken in accordance with section 17 in respect of the lands described in the list.

(4) The provisions of sections 17 to 20 and 21 (b) shall apply in respect of all the donations of the said lands as they apply in respect of all donations of lands made after the commencement of this Act:

Provided that where an order is made by a Revenue Officer under subsection (7) of section 17, the gift shall be deemed to have been accepted with effect from the date on which the donation of land was made and for his purpose this Act shall be deemed to have been in force on such date.

(5) If any land of which the donation so received before the commencement of this Act has already been granted to any person in pursuance of the Bhudan Yagna, it shall be deemed to have been granted by the Board to such person on the date on which such person takes possession thereof and the grant shall be subject to all liabilities to which any grant made by the Board in general shall be subject.

(B) Notwithstanding the provision of any law to the contrary, a tenant holding land directly from the State Government shall, for the purposes of this Chapter, be deemed to be owning a transferable interest in such land.

22. (1) Notwithstanding anything contained in any law an owner shall not, for purposes of this Act, be competent to donate—

Lands which cannot be donated.

(a) land recorded or by usage treated as pasture, cremation or burial ground, tank, pathway or trashing floor; and

(b) such other land as the State Government may by notification in the Gazette specify.

(2) The holder of a life-estate shall be competent to donate only his life interest therein.

CHAPTER IV—DISTRIBUTION OF LAND.

23. Notwithstanding anything provided in any law to the contrary— Power of Board to allot land.

- (i) the Board shall have power to allot the land vesting in it; and
- (ii) the allottee shall not have and shall not be entitled to claim any rights except as provided for in this Act.

24. The Tahsil Committee shall, in accordance with such regulations as may be made by the Board in this behalf, distribute the land vesting in the Board to landless persons who are capable of cultivating the same personally. Tahsil Committees to distribute land.

25. The person to whom land is allotted under section 23 or 24 shall be recorded in village papers or record-of-rights as a Bhudan holder and shall hold the land subject to the following terms and conditions, namely:— Bhudan holders: Conditions of allotment.

- (a) he shall be deemed to hold the land directly from the Board and shall be liable to pay the land revenue that may have been or may be assessed on such land;
- (b) his rights shall, on his death, pass to his heirs;
- (c) he shall not transfer any interest in the land;
- (d) he shall not allow the land to lie fallow for a period in excess of two years;
- (e) he shall pay the land revenue on the due date.

26. If any Bhudan holder commits a breach of any of the conditions in section 25, the Revenue Officer may after such enquiry as he deems fit, determine the right of the holder and the land shall thereupon vest in the Board without affecting his liability to pay the arrears of land revenue recoverable from him. Ejectment of Bhudan holder on breach of conditions.

27. Subject to any decree passed under section 18, the land held by a person as a Bhudan holder shall not be liable to attachment or sale in execution of any decree or order passed by a Civil Court. Land held by Bhudan holder not liable to attachment.

CHAPTER V—MISCELLANEOUS.

Exemption from stamp duty and registration.

28. The acceptance of a gift under section 17 or a grant of land made or deemed to be made under the provisions of this Act, shall be and be deemed always to have been exempt from (a) payment of stamp duty and (b) registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding.

Ejectment of persons unlawful in possession.

29. Any person in possession of the land on the date of the order passed under section 17 and any person who takes possession, otherwise than in accordance with law, of the land received in donation for purposes of the Bhudan Yagna may, on application to a Revenue Officer by the Board or the Bhudan holder concerned, be ejected.

Partition holdings.

30. (1) If the land gifted to the Board forms a part, of a holding, the Board or the Bhudan holder concerned may apply to a Revenue Officer for possession and the Revenue Officer may notwithstanding any provision in any law to the contrary, partition the holding and demarcate the land and apportion the rent or the land revenue, as the case may be.

(2) If there are any arrears of rent or revenue as the case may be, on the holding partitioned under subsection (1) the Revenue Officer shall determine the portion of the arrears due on the part of the holding gifted to the Board and thereupon the Board and the Bhudan holder shall be liable to pay the portion of the arrears so determined and notwithstanding anything contained in the Punjab Land Revenue Act, 1887, the Board or the Bhudan holder shall not be liable for the arrears in respect of the remaining part of the holding.

Procedure.

31. The proceedings under this Act shall be deemed for all purposes to be proceedings under the Punjab Land Revenue Act, 1887, and the procedure applicable to proceedings under the said Act shall be followed.

Board's power to act as Tahsil Committee.

32. If no Tahsil Committee has been formed for any Tahsil the functions of a Tahsil Committee under this Act shall be performed by the Board.

33. After the lifetime of Shri Acharya Vinoba Bhave or at any time when he is unable to perform the functions entrusted to him under this Act owing to infirmity or any other cause the functions assigned to him shall be performed by the Akhil Bharat Sarva Sewa Sangh, Wardha, and all references to Shri Acharya Vinoba Bhave in this Act shall be construed as references to the said Sangh.

Construction of references, and power of Board to allot land for community purposes.

34. The Board may allot any land vesting in it for a community purpose or exchange any such land with other land.

35. The Board may, from time to time, with the previous sanction of the State Government, make regulations consistent with this Act and any rules made thereunder—

Regulations.

- (a) for regulating its procedure and the disposal of its business;
- (b) for the remuneration and conditions of service of its employees;
- (c) for regulating the procedure, disposal of business, constitution and supersession of Tahsil Committees, the term of office and the filling of casual vacancies of office-bearers and members of such committees and removal of office-bearers and members thereof;
- (d) for the principles to be followed for the distribution of lands, qualifications of persons to whom lands may be given and the maximum area to be allotted to one family;
- (e) for the appointment of the sub-committees and for the delegation of powers to sub-committees and office-bearers and individual members thereof;
- (f) for any other matter arising out of Board's function under this Act for which it is necessary or expedient to make regulations.

36. Nothing in this Act shall apply to evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

Act not to apply to evacuee property.

Power to make
rules.

37. (1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules,—

- (a) prescribing the area of land for purposes of clause (f) of section 2;
- (b) prescribing the form declaration under subsection (1) of section 17 for submitting a declaration to make a gift of land;
- (c) prescribing the form of notice under subsection (3) of section 17 calling upon persons to show cause why a gift of land should not be accepted;
- (d) stating other grounds under item (iv) of subsection (9) of section 17 for rejecting the offer to make a gift; and
- (e) prescribing other particulars under clause (f) of subsection (1) of section 21.

PART II

(Containing Rules)

¹THE PUNJAB FISHERIES RULES, 1956

1. Fishing in any of the public waters in any of the districts of the State (except in the Kangra District) is prohibited except under a licence to be obtained from the Warden of Fisheries, Punjab, or any officer authorised by him in this behalf and strictly in accordance with the conditions of such licence.

2. On or after the 1st of September each year the Warden of Fisheries, Punjab, or any officer specially appointed by him for the purpose, shall put to public auction the right of fishing in the specified public waters or portion of the public waters in each district and shall grant a licence to fish to the highest bidder, if the highest bid is that of a Fishermen Co-operative Society, in respect of each public water on payment of the amount offered by him in full or by instalments as hereinafter provided. In case the highest bid is not of a Fishermen Co-operative Society, the contract will be given to the highest bidder only if his bid is at least 10 per cent more than the highest bid of a Fishermen Co-operative Society. In case the highest bid is not above 10 per cent of the highest bid of a Fishermen Co-operative Society, the contract will be knocked down in favour of the Fishermen Co-operative Society :

Provided that in case of contingencies, the auctioning authorities shall have the right to fix a reserve price for the water under auction. If the highest bid is below the reserve price, Government will have the right to reject highest bid. In such cases the Department itself will exploit that water for catching and selling of fish.

3. The licensee shall pay the amount offered by him for the fishing right in full at the time of auction or by three equal instalments (1) at the time of auction, (2) on first December, (3) on first March. In the latter case, the licensee may also be required to furnish sufficient security for the payment of future instalments :

Provided that the licence fees paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the licence was not availed of under special circumstances, e.g., change of residence to place where the licence could not be made use of, or the death of the licensee immediately after the licence was issued.

4. A licence granted under rule 2 shall remain in force from the 1st September in each year to the 31st August in the year following, but no fishing except with Rod and Line and Hand Line shall be allowed during the closed period from 1st July to 15th August.

5. (a) The licensee shall be entitled to fish personally or by his agents or nominees whose names are specified in the licence and are provided with written permits signed by the Deputy Warden of Fisheries of the Division :

Provided that nothing in the rules shall—

- (i) entitle a licence-holder or his agents or nominees to fish in any water closed to fishing by an order notified under section 6 of the Indian Fisheries Act IV of 1897 ;
- (ii) debar the Warden of Fisheries to issue an individual licence for Rod and Line for sport and the licensee shall not be entitled to claim any compensation.

¹*Vide* Punjab Government notification No. 2735-Vety-55/17 (Ch), dated 10th January, 1956. This notification is in supersession of the existing Fisheries Rules of all the districts (except Kangra District).

(b) Where a licence granted under the rules is lost or accidentally destroyed, the authority empowered to grant such licence may issue a duplicate licence on payment of a fee of one rupee or the original fee of the licence, whichever is less.

6. The following shall, *inter alia*, be the conditions of every licence granted under rule 2 :—

- (a) That the licensee or his agents or nominees shall not use except the following kind of gear for the purpose of fishing :—
 - (i) Nets of all kinds not having at any portion a mesh less than $1\frac{1}{2}$ inch from knot to knot or 6 inches all round.
 - (ii) Long line with hooks.
 - (iii) Rod and Line.
 - (iv) Hand Line :

Provided that no gear except Rod and Line shall be used in the waters within a distance of 100 yards from any bridge.

- (b) That the licensee or his agents or nominees shall report to the Warden of Fisheries, Punjab, or an officer of the Fisheries Department any breach of the rules relating to fishing that may come to his or their notice.
- (c) That the licensee or his agents or nominees shall not be entitled to erect any fixed engines (except in the case of stake nets when they are temporarily fixed in waters for use in conjunction with drag nets), dams or weirs for catching fish, or to use poison, lime, dynamite, or other noxious or explosive substance in catching fish.
- (d) It shall be a condition of the licence that every licensee shall be bound to show his licence to any person empowered under section 6 of the Act to arrest without warrant for offences under the Act.
- (e) It shall be a further condition of the licence that no fish below the size of 10'' of the species of (i) Rahu, (ii) Mirgal, (iii) Mahaseer, and (iv) Catla shall be caught and sold.
- (f) The licensee will have to obtain a licence for the premises to be approved for selling fish from the Deputy Warden of Fisheries of the Division.
- (g) The contractor or the licensee shall have to obtain from Warden of Fisheries, Punjab, a permit for export of fish from the district.
- (h) The licensee shall not be entitled to transfer his rights and liabilities without the previous sanction in writing of the authority auctioning the waters.
- (i) The licensee shall open a fish shop at the headquarters of the district or tehsil subject to the rules and regulations of the Municipal Committee or other local authority.
- (j) Whenever fish caught by the Department from any water closed to fishing by a rule notified under section 6 of the Indian Fisheries Act, IV of 1897, is sold at the licensee's shop, no commission shall be charged by him.
- (k) The licensee shall have to maintain a licence register specifying the names and addresses of the persons to whom permits have been issued for fishing within the area covered by his licence. A list of such permit-holders shall be submitted by the licensee to the Warden of Fisheries, Punjab.

- (1) The licence-holder will have to maintain a regular register showing weight of fish caught, purchased and sold indicating different varieties of fish so obtained, the ways and means adopted for catching of fish and types of nets, area and place from where the fish is caught.

He shall have to submit to the Warden of Fisheries, Punjab, a monthly report regarding the wholesale and retail prices of different varieties and weight of fish caught and sold.

7. All apparatus erected or used for fishing in contravention of these rules may be seized, taken and removed to the nearest Police Station by any person empowered under section 6 of the Act and all such apparatus may be forfeited by the Magistrate in addition to any punishment that may be awarded under section 5 of the Act.

8. If any person licensed under rule 2 or any person holding a permit under rule 5 is convicted of a breach of the rules herein notified, the Warden of Fisheries, Punjab, may cancel the licence or permit of the person convicted.

9. (a) If a person holding a permit under rule 5 is convicted of a breach of these rules and it appears to the Warden of Fisheries, Punjab, that the breach was committed with the knowledge or connivance of, or at the instigation of the licensee, the Warden of Fisheries may cancel the license of that licensee.

(b) If the licensee fails to pay the instalments on due date, the Warden of Fisheries, Punjab, may cancel his licence.

10. On the cancellation of the licence all permits issued along with it shall also be considered as cancelled, the amount already paid by the licensee shall not be refunded to him, the right of fishing shall be reaucted by the Warden of Fisheries, Punjab, in the manner hereinbefore, provided.

11. Nothing in these rules shall prevent the catching of any species of fish or any size of fish at any time of the year by any method by any person or persons employed or authorised by the Department for research and development purposes from any waters whether auctioned or not.

12. Nothing in these rules shall prevent the Department to reserve any waters for research purposes or for supply of fish departmentally.

13. The offering or exposing for sale and barter of any species of fish killed in contravention of these rules is prohibited in the State and any contravention thereof shall render the person liable to conviction.

¹RULES FOR THE ISSUE OF THE STATE ANGLING LICENSE

1. Any person desiring to fish with Rod and Line in the public waters of the Punjab, must obtain a State Angling License to be granted by the ²[Warden of Fisheries, Punjab.]

2. A license granted under rule (1) shall apply to all the public waters of the Punjab given below:—

Portions of rivers Jumna, Sutlej, Beas, Ravi, and their tributaries,
streams Ghaggar, Sarusti, Narkanda, and their tributaries;

¹Vide P.G. notification No. 3540-D, dated 24th July, 1928.

²Added by Punjab Government notification No. 1461-Agri., dated 18th April, 1945.

and of all Government Canals situated in the Punjab with the following exceptions:—

(a) Waters which have been or may hereafter be declared “Trout Waters” to which special rule for trout fishing are applicable.

(b) Waters which have been or may hereafter be closed to fishing by a rule notified under section 6 of the Indian Fisheries Act, IV of 1897.

* * * * *

¹[Provided that the licensee shall not catch or sell any fish of the following species less than 10 inches in length, namely:—

Mahseer (*Barbus tor*), also called Khakhiaru, Chiniaru, Chitraru or Kandla, Rohu (*lauso rohita*), Theila (*Catla Catla*) and Mori (*Cirrhina Mirgala*).

3. Licenses shall be non-transferable and shall remain in force from the 1st day of September in each year to the 31st day of August, in the year following.

4. Fees shall be as follows:—

For all the waters mentioned in rule 2 .. Rs 15 for the season or any part thereof.

²[Provided that the license fees paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of license if it is proved to the satisfaction of the officer issuing the license that the license was not availed of under special circumstances, e.g., change of residence to a place where the license could not be made use of or the death of the licensee immediately after the license was issued.]

³[Where a license granted under the rules is lost or accidentally destroyed, the authority empowered to grant such license may grant another licence which shall be a duplicate copy of the original licence on payment of a fee of one rupee or the original fee of the licence, whichever is less.]

5. It shall be a condition of every license granted under these rules that the licensee shall fish with Rod and Line only ⁴[using not more than two rods at any one time,] and shall obtain the permission of the riparian owners for fishing in waters (i) which have been or may hereafter be declared as “private” waters, or (ii) which even though they have been declared as public waters such permission is necessary according to the entries in *Wajib-ul-Arz* or *Record-of-rights* of the village concerned.

¹Added by Punjab Government notification No. 2499-Agri, dated the 1st August, 1945.

²Added by Punjab Government notification No. 2755-D., dated the 1st November, 1933.

³Added by Punjab Government notification No. 4554-D., dated 29th November, 1940.

⁴Added by Punjab Government notification No. 2137-D., dated 4th June 1930.

¹[5-A. It shall be a condition of the license that every licensee shall be bound to show his license to any person empowered under section 6 of the Act to arrest without warrant for offences under the Act].

6. ²[The Warden of Fisheries, Punjab] may cancel the license of any person convicted under the Punjab Fisheries Act, II of 1914, for the Indian Fisheries Act, IV of 1897.

7. The possession of a license in no way permits the holder to enter on to the Headworks of the Canal without the permission of the Executive Engineer or an Officer deputed by him to grant such permission.

8. The licensee's children below the age of 16 may fish along with the licensee without a license.

³RULES FOR THE PROHIBITION AND REGULATION OF FISHING IN THE WATERS OF RIVERS IN THE PROXIMITY OF CANAL HEAD WORKS

PART I ROD AND LINE FISHING

1. No person shall fish in any of the waters specified in Schedule 'A' appended hereto otherwise than with rod line and except a licence to be granted by the Executive Engineer in charge of the Headworks concerned or by the Warden of Fisheries, Punjab:

* * * 4 * *

2. The fees for different classes of licence shall be as follows:—

	Rs.	A.	P
(i) for a season licence	.. 10	0	0
(ii) for a monthly licence	.. 1	0	0
(iii) for a daily licence	.. 0	3	0

Provided that—

- (i) the Chief Engineer, Irrigation Works, Punjab, or any officer authorised by him in this behalf may issue season licence up to four in number in any one season at each Headworks free of charge to the Canal employees thereon; and
- (ii) on presentation of an application within one week from the date of issue of the licence the authority granting it on being satisfied that the licensee was prevented from using it for the entire period may refund licence fee to the licensee or his legal heir.

¹Added by Punjab Government notification No .85-D., dated 10th January, 1931.

²Added by Punjab Government notification No. 1461-Agr., dated 18th April 1945.

³Punjab Government notification No. 3266-Agr., dated 22nd May, 1947.

⁴Proviso omitted—it related to territory now forming part of Pakistan.

3. Where a licence granted under the last preceding rule, is lost or accidentally destroyed, the authority which granted it may issue a duplicate, on payment of a fee of one rupee of the original fee of such a licence whichever is less.

4. A licence granted under rule 1 shall authorize the holder to fish with rod and line only using not more than two at any one time:

Provided that the licensee may either himself or through servant in his presence net Chiwa for use as bait and for no other purpose with a small meshed casting net not exceeding $2\frac{1}{2}$ feet in diameter.

5. (1) A daily licence shall entitle the holder to fish only in one of the waters specified in Schedule 'A'.

(2) A monthly or a season licence shall entitle the holder to fish in all the waters specified in Schedule 'A'.

PART II

FISHING OTHERWISE THAN WITH ROD AND LINE

6. No person shall fish in any of the waters specified in Schedule 'B' appended hereto under a licence to be granted by the Executive Engineer in charge of the Canal Division concerned.

7. On or after the first day of August each year the Executive Engineer in charge of the Canal Division concerned or any Sub-Divisional Officer specially appointed for the purpose by him shall put to auction the right of fishing in the waters lying within his Division which are mentioned in Schedule 'B':

Provided that the Executive Engineer may auction the waters either individually or in such groups as he may deem fit.

8. (i) All auctions shall be subject to a reserve price to be fixed by the Executive Engineer.

(ii) The Officer conducting the auction shall have the right to refuse any or all bids.

(iii) The person making the highest unrejected bid at the auction shall pay immediately a deposit of 25 per cent of the amount bid and in part payment thereof in default of such deposit the fishing rights shall forthwith be re-auctioned at the risk and expense of the defaulter.

(iv) The full amount of the bid shall be paid by the person whose bid is finally accepted within 30 days from the date of such acceptance of the bid; in default the deposit shall be forfeited to the Government and the fishing rights shall be re-auctioned at the risk and expense of the defaulter.

9. (i) The Executive Engineer shall grant a licence to fish on payment of the full amount bid as hereinbefore provided.

(ii) On presentation of an application within one week from the date of issue of the licence the Executive Engineer on being satisfied that the licensee was prevented from using it for the entire period may cancel the licence, refund the amount paid by the licensee and re-auction the water or waters as the case may be.

10. In respect of waters for which no licence is granted under rule 9, the Executive Engineer or officer appointed by him in this behalf may grant season licences or daily licences for rod and line fishing and may issue duplicates thereof in accordance with rules 3 and 4 of Part I on payment of the following fee:—

	Rs.	A.	P.
(i) for a season licence	..	3	0 0
(ii) for a daily licence	..	0	8 0

11. The following shall, *inter alia*, be conditions of every licence granted under these rules:—

(a) That the licensee or his agents or nominees shall use the following kinds of gear only for the purpose of fishing:—

(i) Nets of all kinds not having at any portion a mesh less than 1 inch from knot or 4 inches all round.

(ii) Long Line with hooks.

(iii) Rod and Line.

(iv) Spear.

(b) The licensee or his agents shall not use at any one time more than two of either or any of the above kinds of gears.

(c) The Executive Engineer may prohibit fishing with (i) nets, etc., and (ii) spear, in the vicinity of siphons and depressed works and in the canal when flowing.

(d) The licensee under rule 9 shall be entitled to fish either in person or through his agents holding permits countersigned by the Executive Engineer concerned.

(e) The said licensee may issue daily permits which shall be countersigned by the Executive Engineer for rod and line fishing only subject to rule 4, Part I for the waters covered by his licence and may charge fees for such permits but not exceeding the following rates:—

	Rs.	A.	P.
(i) for a season permit	..	3	0 0
(ii) for a daily permit	..	0	8 0

(f) The Executive Engineer may from time to time for the purpose of clause (d) and (e) of this rule supply to the licensee a sufficient number of blank permits.

(g) The licensee or his agents or nominees shall not interfere in any way with the holders of seasonal or daily Rod and Line licences issued under proper authority.

* * * 1 *

¹Part III related to area now forming part of Pakistan—omitted.

PART IV

GENERAL

13. All licenses unless otherwise expressly provided shall be non-transferable.

14. (i) A season licence or a season permit shall remain in force from the 1st day of September in each year to the 31st day of August in the year following.

(ii) A monthly licence shall remain in force for a period of one calendar month from the date of issue.

15. (i) All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest police station by any police officer or other person specially empowered by the Provincial Government under section 7 of the Indian Fisheries Act, 1897, or the Punjab Fisheries Act, 1914.

(ii) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the rules have been contravened shall be forfeited to ¹[Government].

16. (i) The Executive Engineer or the Warden of Fisheries, Punjab, may cancel any licence granted by him to a person who contravenes or connives at or instigates the contravention of any of these rules or who is convicted under any provision of the Indian Fisheries Act, 1897, or the Punjab Fisheries Act, 1914.

(ii) On the cancellation of licence granted under rules 11 all permits issued under it shall also be deemed to be cancelled.

17. Every licensee shall be bound to report to the Executive Engineer, Sub-Divisional Officer or any officer of the Fisheries Department, any breach of the rules that comes to his notice and also to show his licence to any person empowered under section 6 of the Act to arrest without warrant for offences under the Act.

SCHEDULE 'A'

Rivers at Headworks within the limits given below excluding the compartments by the fish ladders, if any constructed in the weir and the portion of the river within 20 feet of the lowest compartment of the ladder on the downstream side:—

* * * 2 * *

(8) Sutlej River from upstream and of spur No. 2, $1\frac{1}{4}$ miles above Rupar to $\frac{1}{2}$ mile downstream of the Weir.

(9) Right bank of the Jumna River from Cross Section No. 1 Marked at the Site of Hatni Kund Gauge upstream of the Tajewala Weir down to Cross Section No. 14 near Mandewala village downstream of the Weir, which lies within the Punjab.

¹Substituted by A.O. 1950, for "His Majesty".

²Items 1—7, and 13—17, omitted—they relate to areas now forming part of Pakistan.

(10) Somb Nala from $\frac{1}{4}$ mile above spur A upstream of the level crossing down to the confluence of the Nala with the River Jumna near Dadupur.

(11) The Western Jumna Canal from $\frac{1}{2}$ mile above to $\frac{1}{2}$ mile below the Dadupur Regulator.

(12) Sutlej River from 1 mile upstream to $\frac{3}{4}$ mile downstream of the Weir at Ferozepore:

* * * 1 * *

²[(18) Sutlej river, from one mile upstream of its junction with Lunkhar Khad near Bhakra village to one mile below the axis of Bhakra Dam; and from one mile above the Nangal Dam to one mile below it:

Provided that no fishing will be permitted at Ferozepore Headworks from the upstream to the downstream flank walls on both sides of the Weir or from the divide walls or piers, i.e., licensees will be permitted to fish only from the upstream and downstream guide or from boats.

Note.—The word 'canal' shall have the meaning assigned to it in Section 3(1) of the Northern India Canal and Drainage Act, VIII of 1873, but it shall not include any part of a river beyond the limits specified above.

SCHEDULE 'B'

For Fishing etc., otherwise than with Rod and line

(1) All creeks, pools or other collections of water lying upstream of the Weir in the areas between the marginal bunds and below the upper limits on the river specified in Schedule 'A' and all creeks, pools and other collections of water lying in canal land downstream of the Weir up to the down limits of the river specified in Schedule 'A'.

(2) All supply and escape channels and all drainage whether seepage or natural under the administrative control of the Irrigation Branch, except such waters in which the fishing rights are controlled by the Fisheries Department.

(3) All canals belonging to the Government in the Punjab.

* * * 3 * *

Note—The word 'canal' shall have the meaning assigned to it in Section 3 (1) of the Northern India Canal and Drainage Act, VIII of 1873, but it shall not include any part of a river beyond the limits specified above.

Rules regulating Fishing in the Waters of Kangra District

B—⁴Fishing by chhips in the waters of the Beas River and its tributaries

1. All fishing by means of chhips is prohibited in the waters of the Beas River and its tributaries, save under licence to be granted by the Deputy Commissioner, Kangra, or ⁵[the Warden of Fisheries, Punjab].

³[1-A. The area of a 'Chhip' shall be deemed to extend from the platform of the 'Chhip' to the head of the pool immediately above the channel (Lang) by which the water is diverted from the main stream towards the 'Chhip'].

¹Items 1—7, and 13—17, omitted—they relate to areas now forming part of Pakistan

²Added by Punjab Government notification No. 2747-Vety-53/2126, dated 27th October, 1953.

³Item No. 4] omitted—relates to areas now in Pakistan.

⁴*Vide* Punjab Government notification No. 1848-D, dated the 9th May, 1925

⁵Added by Punjab Government notification No. 1461-Agr., dated 18th April, 1945.

⁶Added by Punjab Government notification No. 2805-Agr., dated 14th September, 1945.

2. No licence to erect a chhip shall be granted to any person unless the Khewat made during the Settlement of 1891-92 contains an entry showing that the erection of the chhip was recognised by the Government at that date:

Provided that no one shall erect a chhip in any reach of the waters which may be for the time being closed to fishing by a rule notified under section 6 of the Indian Fisheries Act, 1897.

3. The Deputy Commissioner and ¹[the Warden of Fisheries, Punjab] shall maintain a register of chhips thus entered.

4. An application for a licence to erect a chhip must be presented to the Deputy Commissioner, Kangra or ¹[the Warden of Fisheries Punjab], with the prescribed fees not later than ²[July 31st] each year. The application must state—

- (i) the name of the stream affected,
- (ii) the Khewat number and the name of the village in which it is proposed to erect the chhip,
- (iii) the name of the owners of the land,

and must be signed by the persons who propose to share as partners in the profits of the chhip.

5. Licences for the chhips shall remain in force only for 5 months from 1st August, to 31st December each year and the fees shall be ³[Rs 25] per chhip per season or any part thereof.

⁴[Provided that the licence fees paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the licence was not availed of under special circumstances, e.g., change of residence to a place where the licence could not be made use of, or the death of the licensee immediately after the licence was issued].

⁵[Where a licence granted under the rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant another licence, which shall be a duplicate copy of the original licence, on payment of a fee of one rupee or the original fee of the licence, whichever is less].

6. If it appears that the chhip is entered in the register of chhips, a licence to erect it should, in the absence of any reason to the contrary forthwith be issued, but no one shall erect any chhip until he is actually in possession of a licence. The mere presentation of an application and payment of fees will not entitle any one to erect a chhip.

7. The licence shall be kept at the water side in charge of the person for the time being fishing at the chhip.

⁶[7-A. It shall be a condition of the licence that every licensee shall be bound to show his licence to any person empowered under section 6 of the Act to arrest without warrant for offences under the Act.]

¹Added by Punjab Government notification No 146-Agr., dated 18th April 1945

²Added by Punjab Government notification No. 365-D., dated 6th February 1930.

³Substituted by East Punjab Government notification No. 8335-D., dated 14th August, 1948.

⁴Added by Punjab Government notification No. 2755-D., dated 1st November, 1933.

⁵Added by Punjab Government notification No. 4554-D., dated 29th November, 1940.

⁶Added by Punjab Government notification No. 2137-D., dated 4th June, 1930.

8. It shall be a condition of every licence that no fish less than 12 inches of the species *Barbus tor* (or Mahseer, also called Khakhiaru, Chaniaru, Chitratu and Kandla) shall be taken, and any such fish under 12 inches falling on the chhip shall be liberated immediately.

9. It shall be a condition of every licence that the interstices (darj) between the lathes (seru) of the Platform (chipp) shall be at no portion of the platform from the weir (lang or ban) to the lower edge of the platform (chhip) measure less than $1\frac{1}{2}$ inches square, and that the platform shall consist of pieces of straight bamboo or other wood properly laid at right angles to the axis of the platform.

The holders of each chhip licence shall be provided with a brass gauge measuring $1\frac{2}{5}$ inches square and a chhip shall be held not to fulfil this condition if this gauge will not pass through the interstices at any point of the platform at any time during the period of its erection.

10. It shall be a further condition of the licence that the licences shall be bound to remove the dam (or bar) erected for diverting the water of the stream to the chhip within 15 days after the expiry of the licence, i.e. before the 15th January. Failure to do this in the case of any chhip shall be a valid reason for refusing the licence for that chhip in the following year.

11. The Deputy Commissioner or ¹[the Warden of Fisheries, Punjab], may cancel a licence, the holder of which has been convicted of a breach of these rules or under any section of the Indian Fisheries Act, 1897.

12. All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest Police Station by any person empowered under section 6 of the Act to arrest, without warrant, for offences under the Act, and all such apparatus and all fish taken by means of any such apparatus may be forfeited on conviction of the offender under section 5 of the Act.

C.—Fishing by stake net (called Bar Patta) in the waters of the Beas River, and its tributaries in the Kangra District excluding the Kulu Sub-Division.

1. All fishing by means of stake nets (Bar Patta) is prohibited in the waters of the Beas River, and its tributaries in the Kangra proper, save under a licence to be granted by the Deputy Commissioner, Kangra or ¹[the Warden of Fisheries, Punjab].

²[1-A. The area of a stake net ('Bar Patta' or 'Jhuni') shall be deemed to extend from the point of erection of the 'Bar Patta' or 'Jhuni' up to the head of the pool immediately above it.]

2. The Deputy Commissioner, in consultation with ¹[the Warden of Fisheries, Punjab], shall prescribe the number of licences to be issued in each stream in any one year.

3. An application for a licence to erect a stake net must be presented with the prescribed fees to the Deputy Commissioner or ¹[the Warden of Fisheries, Punjab] not later than July 31st in each year. The application must be signed by all the persons who propose to share as partners in the profits of the stake net.

4. Licences shall remain in force only for $3\frac{1}{2}$ months, from 1st August to 15th November, each year, and the licence fee shall be ³[Rs 20] per stake net for the season or any part thereof.

¹Added by Punjab Government notification No. 1461-Agr., dated 18th April 1945.

²Inserted by Punjab Government notification No. 2805-Agr., dated 14th September, 1945

³Substituted by East Punjab Government notification No. 8335-D., dated 14th August, 1948.

¹[Provided that the licence fee paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the license was not availed of under special circumstances, e.g., change of residence to a place where the license could not be made use of, or the death of the licensee immediately after the licence was issued].

²[Where a licence granted under the rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant another licence, which shall be a duplicate copy of the original licence, on payment of a fee of one rupee or the original fee of the licence, whichever is less].

5. No stake net shall be erected within a distance of less than a mile from each other and not until the partners thereof have actually received the licence. The mere presentation of an application for a licence and payment of fees thereof will not entitle any one to erect a stake net:

Provided that no one shall erect a stake net in any reach of waters which may be for the time being closed to fishing by a rule notified under section 6 of the Indian Fisheries Act, 1897.

6. The licence shall be kept at the waters side in charge of the person for the time being fishing at the stake net.

³[6-A. It shall be a condition of the licence that every licensee shall be bound to show his licence to any person empowered under section 6 of the Act to arrest without warrant for offences under the Act].

7. It shall be a condition of every licence that the stake net shall consist of only a net with a minimum mesh of $1\frac{1}{2}$ inches square fixed across a stream with stones and perpendicular stakes only, i.e., without the addition of any dam (Bar) or thorns or brush wood (Jhils):

(i) Provided that persons who, according to the Wajib-ul-arz made at the Settlement of 1891-92, have got a customary right to erect Jhunnies at specified pools shall be entitled to erect a dam (Bar) of thorns and brushwood (Jhils, etc.) under a license granted under this part:

⁴[(ii) Provided that the holders of a licence granted under rule 1 of this Part shall be entitled to catch fish with casting nets at the two corners of the stake net only without purchasing a new licence under Part A of these rules].

8. It shall be further condition of every licence that no fish less than 12 inches in length of the species *Barbus tor* (or Masheer, also called Khakhirau, Chaniaru, Chitratu and Kandla) shall be taken.

9. It shall be a further condition of every licence that the licensees shall be bound to remove any dam of stones erected for fixing a stake net within 15 days after the expiry of the licence, i.e., before the 30th November. Failure to do this in any case shall be a valid reason for refusing the person concerned a license in the following year.

10. The Deputy Commissioner or ⁵[the Warden of Fisheries, Punjab], may cancel a license, the holder of which has been convicted of a breach of these rules or under any section of the Indian Fisheries Act, 1897.

¹Added by Punjab Government notification No. 2755-D., dated 1st November 1933.

²Added by Punjab Government notification No. 4554-D., dated 29th November, 1940.

³Added by Punjab Government notification No. 2137-D., dated 4th June, 1930.

⁴Added by Punjab Government notification No. 1012-D., dated 3rd April, 1935.

⁵Added by Punjab Government notification No. 1461-Agr., dated 18th April, 1945.

11. All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest Police Station by any person empowered under section 6 of the Act to arrest, without warrant, for offences under the Act and all such apparatus and all fish taken by means of such apparatus may be forfeited on conviction of the offender under section 5 of the Act.

D.—Fishing in the waters of the mains stream of the Beas ¹[below the intake of the Washing Bihal Kuhls near mile 3/1 from Kulu] and the tributaries on either bank which join it ¹[below the intake of the Washing Bihal Kuhls near mile 3/1 from Kulu].

1. The rules apply to the waters of the main stream of the Beas ¹[below the intake of the Washing Bihal Kuhls near mile 3/1 from Kulu] and the tributaries on either bank which join it ¹(below the intake of the Washing Bihal Kuhls near mile 3/1 from Kulu] with the following exceptions:—

¹[(1) The Sainj River and its tributaries).

(2) The Tirthan River and its tributaries ²[from and above its junction with the Manglour Khad).

³[* * * *].

2. No person shall fish in the waters specified in rule 1, save under a general licence to be granted by the Assistant Commissioner, Kulu ⁴[or the Warden of Fisheries, Punjab]:

(i) Provided that the holder of a licence from the Himachal Pradesh entitling him to fish in any part of any stream, which forms the boundary between Punjab and Union Territory, shall be deemed to be a holder of such license under these rules as entitles him to fish in the reaches of the said stream which forms the boundary as aforesaid and shall be bound by all the conditions of such licence:

(ii) Provided that the licensee's children and the orphans of fishermen castes (Jhiwars, Darains, and Mallahas) below the age of 16 may fish without a licence by any of the methods permitted under the rules contained in this part:

(iii) Provided that the holder of an angling licence obtained under Part E of these rules will be entitled to fish without purchasing a new licence under this part.

⁵[(iv) Provided that nothing in these rules shall entitle a licence-holder to fish in any water closed to fishing by a rule notified under section 6 of the Indian Fisheries Act, 1897.]

⁶[2-A.. The Deputy Commissioner, Kangra, in connection with the Warden of Fisheries, Punjab, shall prescribe the number of licences for netting to be issued each year.]

¹Added by Punjab Government Notification No. 2965, dated 10th October, 1931.

²Added by Punjab Government notification No. 2871-D., dated 15th August, 1930, further amended by No. 2131-Agr., dated 19th June 1945.

³Omitted by East Punjab Government notification No. 8335-D., dated 14th August, 1948. (This had been added by Punjab Government notification No. 3870-D., dated 7th September, 1938).

⁴Added by Punjab Government notification No. 968-D., dated 8th March, 1930, and by No. 1461-Agr., dated 18th April, 1945.

⁵Added by Punjab Government notification No. 3575-D., dated 20th September, 1939.

⁶Added by Punjab Government notification No. 2802-Agr., dated 15th September 1945.

¹3. The charge for a licence fee for the season or any part thereof shall be:—

- | | |
|--|----|
| | Rs |
| (1) for fishing with rod and line only .. | 5 |
| (2) for fishing with casting net, rod and line or hand line— | |

(a) for the portion from mile 3 ¹ [down to Bhuin Duff Dumber Bridge including ² [Parbatti and Sarbarri Rivers] and ..	³ [15]
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(b) for the remaining waters to which this part relates	6
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Provided that not more than 6 licences may be granted free of charge to persons nominated by the Rai of Rupri.

⁴[Provided that the licence fees paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the licence was not availed of under special circumstances, e.g., change of residence to a place where the licence could not be made use of, or the death of the licensee immediately after the licence was issued.]

⁵[Where a licence granted under the rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant another licence, which shall be a duplicate copy of the original licence on payment of a fee of one rupee or the original fee of the licence, whichever is less.]

4. It shall be a condition of every licence granted under the rules of this part that the license-holder shall fish only with rod and line, ⁶[between the old Akhara Bridge, and the first furlong stone after the mile stone "Kulu 3," and elsewhere only with rod and line] hand line or casting net, that the minimum mesh for the casting net shall be 1 $\frac{1}{4}$ inches bar measure (i.e., from knot to knot). It shall also be a condition that the licensee is bound to report to the Assistant Commissioner, Kulu, the Tahsildar or an officer of the Fisheries Department, any breach of these rules that comes to his notice.

⁷[4-A. It shall be a condition of the licence that every licensee shall be bound to show his licence to any person empowered under section 6 of the Act, to arrest without warrant for offences under the Act.

⁸[4-B. It shall be a condition of every licence granted under these Rules that [the Warden of Fisheries, Punjab] shall determine at the the begining of each season :—

- (a) the size or weight limit below which no trout may be killed, and

¹Added by Punjab Government notification No. 4753-D., dated 6th October, 1928 as amended by No. 1905-D., dated 22nd April, 1941, further amended by No. 5187-D., dated 24th November, 1943, as corrected by No. 233-D., dated 19th January, 1944.

²Substituted for "Parbatti River" by East Punjab Government notification No. 8335-D., dated 14th August, 1948.

³Substituted by *ibid* for "30", which had been substituted for "12" by Punjab Government notification No. 2802-Agr., dated 15th September, 1945.

⁴Added by Punjab Government notification No. 2755-D., dated 1st November, 1933.

⁵Added by Punjab Government notification No. 4554-D., dated 29th November, 1940.

⁶Inserted by Punjab Government notification No. 4050-Agr., dated 17th December, 1945.

⁷Added by Punjab Government notification No. 2137-D., dated 4th June, 1930.

⁸Added by Punjab Government notification No. 3870-D., dated 7th September 1938, as amended by No. 1461-Agr., dated 18th April, 1945.

(b) the maximum number of trout of the size limit prescribed in (a) above, which may be caught in a day during the term of the licence.]

5. No trout shall be killed between ¹[the 10th day of October and the 9th day of March] both days inclusive, ²[except in the Parbatti river, in which no trout shall be killed between the first day of November and the last day of February, both days inclusive]: provided that nothing in the rules of this part shall prevent the catching of any species at any time of the year by the employees of the Fisheries Department, acting under the authority of the Head of the Department.

6. All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest Police Station by any person empowered under section 6, of the Act to arrest, without warrant, for offences under the Act, and all such apparatus and all fish taken by means of any such apparatus may be forfeited on conviction of the offender under section 5, of the Act.

7. The licences shall remain in force from ³[the 1st day of April in each year to the 31st day of March in the year following.]

8. The licensee shall not employ or engage any person to help him with his fishing gear, unless the person so employed or engaged is also a licence-holder.

E.—Fishing in the waters of the Beas river and its tributaries from the source of the Beas ⁴[down to the intake of Washing Bihals Kuhls near mile 3.1 from Kulu], the Sainj River and its tributaries. ⁵[the Sarbarri River and its tributaries] and the Tirthan River and its tributaries ⁶from and above its junction with the ⁷[Baha Khud].

1. No person shall fish in the waters of the Beas River and its tributaries from the source of the Beas ⁴[down to the intake of Washing Bihal Kuhls near mile 3/1 from Kulu], the Sainj River and its tributaries, ⁵[the Sarbarri River and its tributaries] and the Tirthan River and its tributaries ³[from and above its junction with the ⁷[Baha Khud]], in so far as they are situated within—

⁸[jurisdiction of the Sub-Divisional Officer, Kulu, except under an 'Angling licence' to be granted by the Sub-Divisional Officer, Kulu, or by the Warden of Fisheries, Punjab, who is authorised to determine the number of licences to be granted at any one time].

(i) Provided that the holder of a licence from the Himachal Pradesh entitling him to fish in any part of any stream which forms the boundary between Punjab and Himachal Pradesh territory; shall be deemed to be a holder of such licence under these rules as entitles him to fish in the reaches of the said stream which forms the boundary as aforesaid and shall be bound by all the conditions of such licence.

¹Added by Punjab Government notification No.3923-D., dated 30th August, 1943

²Added by Punjab Government notification No. 27-Agr., dated 4th January, 1944

³Added by Punjab Government notification No. 968-D., dated 8th March 1930.

⁴Added by Punjab Government notification No. 2965-D., dated 10th October, 1931.

⁵Added by Punjab Government notification No. 3870-D., dated 7th September, 1938.

⁶Added by Punjab Government notification No. 2871-D., dated 15th August, 1930, further amended by No. 2131-Agr., dated 19th June, 1945.

⁷Substituted for "Mangbour" by Punjab Government notification No. 139-Agr., dated 15th January, 1946.

⁸Added by Punjab Government notification No. 1098-D., dated 16th March, 1937, and amended by No. 1461-Agr., dated 18th April, 1945.

¹[(ii) Provided that nothing in these rules shall entitle a licence holder to fish in any water closed to fishing by a rule notified under section 6 of the Indian Fisheries Act, 1897].

²[1-A. The waters named in rule 1 are divided into reaches as follows :—

Reach I. From source to Manali Bridge including Chhoir Nala on the left bank.

Reach II. From source to Manali Bridge including Manalsu stream on right bank.

Reach III. From Manali Bridge to Colonel Johnson's bridge on the right bank.

Reach IV. From Manali bridge to Colonel Johnson's bridge on the left bank including Abo stream.

Reach V. From Colonel Johnson's bridge to Kalath bridge on the right bank.

Reach VI. From Colonel Johnson's bridge to Kalath bridge on the left bank.

Reach VII. From Kalath bridge to Batohar bridge on the right bank.

Reach VIII. From Kalath bridge to Batohar bridge on the left bank.

Reach IX. From Batohar bridge to Beli Sujain bridge on the right bank.

Reach X. From Batohar bridge to Beli Sujain bridge on the left bank.

Reach XI. From Baragraon on the Sujain Nala to junction of Sujain Nala with Beas River and thence to Nagar Bridge on the right bank.

Reach XII. From and including the Chakki Nala to the Nagar Bridge on the left bank.

Reach XIII. From Nagar Bridge to just above and excluding the junction with the Fojal Nala on the right bank.

Reach XIV. From Nagar Bridge to the junction of Nashal Nal on the left bank.

Reach XV. From and including the junction of Fojal Nal to Raisan Bridge on the right bank.

Reach XVI. From Nashal Nal to Raisan Bridge on the left bank.

Reach XVII. From Raisan Bridge to Ghartanni (Bundrole Nal on the right bank.

Reach XVIII. From Raisan Bridge to Kais Nal on the left bank.)

Reach XIX. From Ghartanni Nal ³[down to the intake of Washing Bihal Kuhls near mile 3/1 from Kulu] on the right bank.

Reach XX. From Kais Nal ³[down to the intake of Washing Bihal Kuhls near mile 3/1 from Kulu] on the left bank.

⁴[The Sub-Divisional Officer, Kulu, or the Warden of Fisheries, Punjab, will, if necessary, define on the licence] the reaches in which and the period for which a licensee is permitted to fish on each reach.

¹Added by Punjab Government notification No. 3575-D., dated 20th September, 1939.

²Amended by Punjab Government notification No. 4586-D., dated 25th October, 1943.

³Added by Punjab Government notification No. 2965-D., dated 10th October, 1931.

⁴Added by P. G. notification No. 1098-D, dated 16th March 1937 and further amended by P.G. notification No. 1461-Agr., dated 18th April, 1945.

Fishing on each reach will then be limited to one week at a time : a licensee must move on to the next vacant reach if required to do so at the end of that period. The residents of Kulu, who are in possession of season licence, may, however, continue to fish on the reach they have applied for the whole season.

¹[N.B.—This rule will not be enforced unless in the opinion of the Warden of Fisheries, Punjab in consultation with the Sub-Divisional Officer, Kulu, it is found necessary to enforce it on account of overcrowding.]

²[2. The charges for a licence shall be :—

	<i>Single licence</i>	<i>Family licence</i>
	Rs	Rs
For the season ..	30	40
For the month ..	12	15
For ten days ..	5	7
For one day ..	1	

“Family” includes husband, wife and children, in any combination not exceeding two, whose names must be entered on the licence. No licence is transferable.]

³[Provided that the license fees paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the licence was not availed of under special circumstances, e.g., change of residence to a place where the licence could not be made use of, or the death of the licensee immediately after the licence was issued.]

⁴[Where a licence granted under the rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant another licence, which shall be a duplicate copy of the original licence, on payment of a fee of one rupee or the original fee of the licence, whichever is less.].

3. It shall be a condition of every licence granted under these rules that the ¹[Warden of Fisheries, Punjab] shall determine at the beginning of each season—

(a) the size and weight limit under which no trout may be killed; and

(b) the maximum number of trout of the size limit prescribed in (a) above which may be caught during the term of the licence.

⁵NOTE.—Each of the joint holders of a family licence shall be entitled to kill six trout per day.

¹Added by Punjab Government notification No. 1098-D., dated 16th March, 1937, further amended by No. 1461-Agr., dated 18th April, 1945.

²Substituted by East Punjab Government notification No. 8335-D., dated, 14th August, 1948.

³Added by Punjab Government notification No. 2755-D., dated 1st November, 1933.

⁴Added by Punjab Government notification No. 4554-D., dated 29th November, 1940.

⁵Added by Punjab Government notification No. 3870-D., dated 7th September, 1938.

4. It shall be a condition of every licence granted under these rules that the licence-holder may fish with rod and line only using any of the following rules :—

- (1) Artificial fly,
- (2) Natural fly,
- (3) Artificial spinning bait, including spoons.
- (4) Natural spinning bait.
- ¹(5) * * * * *
- (6) * * * * *

²[Provided that in the tributaries of the Beas river, which join it above the intake of Washing Bihal Kuhls near mile 3/1 from Kulu the use of natural and artificial worm and other ground bait, e.g., grass hoppers, frogs, etc., for bottom fishing is prohibited].

³[* * * * *]

It shall also be a condition of the licence that the licensee is bound to report of the ³[Sub-Divisional Officer, Kulu, Tehsildar, Kulu, or any officer of the Fisheries Department], any breach of the rules that comes to his notice.

⁴[All forms of fishing with the exception of fly fishing are prohibited in all Kuhls and all tributaries of the Beas above Sultanpur including the Sarbarri River which enters the Beas at Sultanpur.]

⁵[4-A. It shall be a condition of the licence that every licensee shall be bound to show his licence to any person empowered under section 6, of the Act, to arrest without warrant for offences under the Act.]

⁶[4-B. It shall be a condition of the licence that every licensee who desires to employ a "Shikari" must employ one of those persons who are registered on the list of "Shikaris" maintained in the office of the Warden of Fisheries, Punjab. No man, not so registered, may be employed as a "Shikari". The yearly registration fee for a Shikari is Re. 1 in exchange for which a badge and a certificate is issued to the "Shikari".]

5. No fish of any species shall be killed between ⁷[the 10th day of October and the 9th day of March], both days inclusive (except in the Sainj and Tirthan rivers, in which no fish of any species shall be killed between the 1st day of November and the last day of February, both days inclusive):

Provided that nothing in these rules shall prevent the catching of any species at any time of the year by the employees of the Fisheries Department acting under the authority of the Head of the Department.

6. All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest Police Station by any person empowered under section 6, of the Act to arrest, without warrant, for offences under the Act, and all such apparatus and all fish taken by means of any such apparatus may be forfeited on conviction of the offender under section 5 of the Act.

¹Omitted by Punjab Government notification No. 5190-D., dated 24th November, 1943.

²Added by Punjab Government notification No. 533-D., dated 19th February, 1935.

³Added by Punjab Government notification No. 1098-D., dated 16th March, 1937

⁴Added by Punjab Government notification No. 27-Agr., dated 4th January, 1945

⁵Added by Punjab Government notification No. 2137-D., dated 4th June, 1930.

⁶Added by Punjab Government notification No. 1098-D., dated 16th March, 1937, as amended by No. 1461-Agr., dated 18th April, 1945.

⁷Added by Punjab Government notification No. 3923-D., dated 30th August, 1943, further amended by No. 27-Agr., dated 4th January, 1945.

¹[7. The Sub-Divisional Officer, Kulu, or (the Warden of Fisheries, Punjab), may cancel a licence, the holder of which has been convicted of a breach of these rules, or under any section of the Indian Fisheries Act, 1897].

* * * 2 *

The 3rd February, 1922

No. 321-24-C-26.—In exercise of the powers conferred by section 3 of the Punjab Fisheries Act, II of 1914, and with reference to Punjab Government notification No. 321-24-C-24, dated the 29th September, 1921, the Punjab Government (Ministry of Agriculture) is pleased to make the following rules for the regulation of fishing in the Sutlej River and its tributaries in so far as they are situated within the Kulu Sub-Division :—

1. The Rules apply to the following waters :—

- (1) River Sutlej on the Kulu Border from the confluence of Karnadi Gad, to the confluence of Karshai Gad.
- (2) Karnadi Gad.
- (3) Kajo Gad.
- (4) Karshai Gad.
- (5) Kurpan River.
- (6) Bawa Gad.

2. No person shall fish in the waters specified in Rule 1 except under a licence to be granted by the Sub-Divisional Officer, Kulu Sub-Division, ³[or by the Warden of Fisheries, Punjab], in form F.-1 attached to these rules.

⁴[*Proviso.*—Provided that nothing in these rules shall entitle a licence-holder to fish in any water which may hereafter be closed to fishing by a rule notified under section 6, of the Indian Fisheries Act, IV, of 1897].

3. The licenses shall remain in force from ⁵[the 1st day of April in each year to the 31st day of March in the year following.]

4. The charge for a licence shall be ⁶[Rs 6] per season.

Full fees shall be charged for any broken periods.

⁷[Provided that the licence fees paid may be refunded to the licensee or his legal heir on the presentation of a claim for refund within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the licence was not availed of under special circumstances, e.g., change of residence to a place where the licence could not be made use of, or the death of the licensee immediately after the licence was issued.]

¹Added by Punjab Government notification No.1098-D., dated 16th March, 1937 as amended by No. 1461-Agr., dated 18th April, 1945.

²Part 'F' omitted by E.P.G. notification No. 8335-D., dated 14th August, 1948. (It had been added by Pb. Govt. notification No. 86-D., dated 6th June, 1928, and had been amended by notification No. 1547-D., dated 12th August, 1930, and 2046-D., dated 22nd June, 1936.)

³Added by Punjab Government notification No. 968-D., dated 8th March, 1930 and by No. 1461-Agr., dated 18th April, 1945.

⁴Added by P. G. notification No. 2543-D., dated 3rd July, 1940.

⁵Added by Punjab Government notification No. 968-D., dated 8th March, 1930.

⁶Substituted for "Rs 2" by Punjab Government notification No. 2812-Agr., dated 15th September, 1945.

⁷Added by Punjab Government notification No. 2755-D., dated 1st November, 1933.

¹[Where a licence granted under the rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant another licence, which shall be a duplicate copy of the original licence, on payment of a fee of one rupee or the original fee of the licence, whichever is less].

5. It shall be a condition of every licence granted under these rules that the licence-holder is permitted to fish with the following kinds of gear only :—

- (a) Nets of all kinds provided that no net shall have at any portion of it a mesh of less than $1\frac{1}{4}$ inch bar measure, i.e., from knot to knot, or 5 inches all round.
- (b) Long Line with hooks.
- (c) Rod and Line.
- (d) Spear.

6. It shall be a further condition of every licence that the licensee shall be bound to report to the Sub-Divisional Officer, Kulu Sub-division, the Naib-Tahsildar, Saraj, or an Officer of the Fisheries Department, any breach of the rules that comes to his notice.

7. The licensee shall not employ or engage any person (other than his own children under the age of 16) to help him with nets, unless the person so employed is also a licence-holder.

8. The licensee shall not be entitled to erect fixed engines (Chip or Bhei, etc.), dams or weirs or to divert water for catching any fish.

9. The use of poison, lime, dynamite or other noxious or explosive substances with intent thereby to catch fish, is strictly prohibited.

10. All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest Police Station by any person empowered under section 6, of the Act, to arrest without warrant for offences under the Act, and all such apparatus may be forfeited on conviction of the offender under section 5, of the Act.

11. The Sub-Divisional Officer, Kulu Sub-Division, ²[or the Warden of Fisheries, Punjab], may cancel the licence of any person convicted of a breach of these rules or under any section of Act IV, of 1897.

The 21st October, 1930

No. 2816-Agr.—In exercise of the powers conferred by section 3 of the Punjab Fisheries Act, II of 1914, and with reference to Punjab Government notification No. 2223-Agr., dated the 27th June, 1945, the Governor of the Punjab is pleased to make the following rules for the regulation of fishing in the waters of Kulu Sub-Division specified below :—

RULES

1. These rules shall apply to the following waters within the Kulu Sub-Division—

- (1) Bahwa Gad
 - (2) Kurpan River
- } with their tributaries.

2. No person shall fish in the waters specified in rule 1 except under an angling license to be granted by the Sub-Divisional Officer, Kulu Sub-Division, or by the Warden of Fisheries, Punjab.

¹Added by Punjab Government notification No. 4554-D., dated 29th November, 1940.

²Added by Punjab Government notification No. 908-D., dated 8th March, 1930, and by No. 1461-Agr., dated 8th April 1945

3. (1) The fees for the license shall be :—	Rs
(i) for season from 1st March to October ..	15
(ii) for a month ..	5
(iii) for a week or less ..	2

provided that (1) the authority granting the licence may refund the license fee to the license-holder or his legal heir on the presentation of a claim for refund within one week from the date of the issue of the license if it is proved to its satisfaction that the license was not availed of under special circumstances, and

(2) Where a license granted under the rules is lost or accidentally destroyed, the authority which granted the license may, on payment of a fee of one rupee issue a duplicate thereof.

4. No trout of less than 10 inches in length shall be killed.

5. The licenses shall be subject to the following conditions :—

(a) a license-holder shall fish with Rod and Line only using any of the following rules :—

(1) Artificial fly.

(2) Natural fly.

(3) Artificial spinning bait including spoons.

(4) Natural spinning bait.

(5) Artificial worm } during the months of July and August,
only,

(6) Natural worm }

(b) every licence-holder shall be bound to report to the Sub-Divisional Officer, Kulu Sub-Division, or an officer or the Fisheries Department any breach of the rules that comes to his notice ;

(c) the number of trout of the size prescribed under rule 4 which a license holder may catch during the term of the license shall not exceed six on any single day. Fish below the prescribed size if so badly hooked as to be unreturnable to the river shall count towards the number.

6. No fish of any species shall be killed between the 1st day of November in any year and the last day of February in the following year both days inclusive.

7. All apparatus erected or used for fishing in contravention of these rules may be seized and taken to the nearest police station by any police officer or other person specially empowered under section 6 of the Act, and all such apparatus and all fish taken by means of any such apparatus may be forfeited on conviction of the offender under section 5 of the Act.

8. The Sub-Divisional Officer, Kulu, or the Warden of Fisheries, Punjab, may cancel the license of any person convicted of a breach of these rules.

9. Nothing in these rules shall apply to the catching of fish by the employees of the Fisheries Department acting under the authority of the Warden of Fisheries, Punjab.

¹THE PUNJAB WILD BIRDS AND WILD ANIMALS PRO-
TECTION RULES, 1934

1. These rules may be called the Wild Birds and Wild Animals Protection Rules.

2. They shall extend to the Punjab and shall come into force from the 15th day of September, 1934.

3. In these rules unless there is anything repugnant in the subject or context—

(a) "The Act" means the Punjab Wild Birds and Wild Animals Protection Act, 1933 ;

(b) "Contractor" means any person who regularly deals or trades in wild birds or wild animals, whether dead or alive, within the meaning of the Act ;

(c) "District Fauna Committee" means a Committee appointed under these rules to carry out the purposes of the Act.

PART A

GENERAL RULES

4. The period of every shooting licence under these rules other than the licence to shoot Urial, shall terminate on the date on which the licensees' Arms licence terminates. The fee for the renewal of a licence shall be that which is prescribed in these rules for the issue of the licence.

The licences for—

(i) hunting with dogs and hawking ;

²[(i-a) hunting on horse-back but without dogs].

(ii) netting, noosing or snaring ;

(iii) purchase, possession or sale of wild birds and wild animals shall terminate on 1st April following the date of issue.

4-A. The licences issued under the Punjab Wild Birds and Wild Animals Protection Act will be signed by the Deputy Commissioner of the district concerned or by any other gazetted officer empowered by him in this behalf, ³[or by the Game Warden, Punjab]. These signed licences will be numbered and entered in registers in the offices of the Deputy Commissioners, ³[or the Game Warden, Punjab, as the case may be], and will be supplied to the various licence issuing agencies for sale.

The same procedure will be adopted for the renewal of these licences.

5. For the purpose of these rules "Small Game" shall mean all birds included in Schedules II and III of the Act and hares.

6. A licence under these rules shall not entitle the holder thereof to kill or capture wild birds or wild animals in any Reserved or Protected Forest or in any other class of Forests under the management of Government in contravention of any rules made under the Forest Act.

⁴[6-A. A licence under these rules shall not entitle the holder thereof to kill or to capture or to possess whether dead or alive or to buy or to sell or to offer for sale, any wild bird or wild animal which is not included in any of the Schedules to the Act.]

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Vide Punjab Government Notification No. 25157, dated 4th September, 1934.

²Added by Punjab Government notification No. 1343-Agr., dated 5th April, 1946.

³Inserted by Punjab Government notification No. 2369-Agr., dated 8th July, 1946.

⁴Added by Punjab Government notification No. 1510-Ft., dated 4th May 1942.

⁵Rule 6-B, omitted by Punjab Government notification No. 210-GP-55/945- (CH), dated 5th March 1955.

7. The following animals may be killed or captured by a holder of a licence described in column 7, to the extent permitted in column 5, provided that the length of horn of each kind shall not be under that mentioned in column 6 for each species :—

1	2	3	4	5	6	7
Serial No.	Scientific name	English name	Vernacular name	Total No. to be killed or captured during a year under each licence	Minimum length of the horn	Licence required
1	Antelope cervisapra ..	Black Buck or Indian Antelope	Hiran, Harn, Kala Hiran, Mirg, Modai, Kalhra	3	20 inches ..	General Licence Part C. Rule 25(ii)
2	Gazella Bennetti ..	Indian Gazelle or Ravine Deer	Chinkara, Chakara, Kalpunch, Ask, Ahuratta, Gora Hiran, Chita-Hiran	2	10 inches..	Ditto
3	Cemas goral ..	Goral ..	Pij, Banbakri, Gohrar, Gurrur, Ghoral, Gudh, Sar	3	4 inches ..	Ditto
4	Cervulus muntiac ..	Barking Deer ..	Kakar, Kukkar, Kakkar ..	2	4 inches including pedice _l	Ditto
5	Cervus porcinus ..	Hog Deer ..	Para, Pahra, Parha ..	1	12 inches..	Ditto
6	Cervus axis ..	Spotted Deer ..	Chital, Chitra, Chitra, Jhank, Pagal-Hiran, Charba Hiran	1	30 inches..	Ditto
7	Cervus unicolor ..	Sambhar ..	Sambar, Samar, Barasinga ..	1	30 inches..	Ditto
8	Ovis vignei ..	Urial ..	Urial, Hurial, Shah, Koh-i-Dumba, Koch, Ged, Grand		Vide rule 25, part C	Special Licence Part C, Proviso to rule 25

Provided that no deer with horns in velvet may be killed or captured.

The tiger, added to Schedule III of the Act under a separate notification, may be shot to the number of one under the general licence.

7-A. The killing or capture of any of the animals mentioned in the list attached to rule 7 by driving or chasing, with dogs or by the aid of artificial lights, is strictly prohibited and no person shall lie in wait near any water or salt licks for the purpose of killing or capturing any such animal, nor shall any such animal be shot from any wheeled vehicle.

¹[7-B. Subject to any restriction placed by rule 7 the killing or capturing of any of the animals and birds mentioned in Schedule III of the Act by the holder of a licence shall be restricted to the extent hereinafter appearing and a licence under these rules shall not entitle the holder thereof to kill or capture wild birds and wild animals except to the extent hereby permitted during the period specified in column 5 of the said Schedule:—

Name of wild bird or animal	Items Nos. as per Schedule III	Maximum number permitted to be killed or captured per licence per day
Pigeons and doves ..	1—10	12
Sand grouse ..	11—16	12
Pea-fowl ..	17	2
Red Jungli fowl ..	18	6
Pheasants ..	19—23	4
Partridges etc. ..	25—33	12
Deer and Antelopes (Males only) ..	89—104	1

8. The killing or capturing of the females or the young of all deer, gazelle and antelope is strictly prohibited throughout the year, ²[except where Punjab Government may relax this Rule, by notification in the official Gazette for a specified period in any particular area]. The use of beaters for the killing or capturing of Urial is prohibited throughout the year.

9. The following persons are authorized to require the production of a licence under section 5 of the Act or to lodge complaints under section 11 of the Act :—

- (a) All Gazetted Officers, Civil or Military, in the service of the Government ;
- (b) All Police Officers not below the rank of Sub-Inspector ;
- (c) All Forest Officers not below the rank of Range Officer ;
- (d) All Fisheries Officers not below the rank of Sub-Inspector ;
- (e) All Magistrates, Stipendiary or honorary ;

¹Added by Punjab Government notification No. 1036-GP-54/173(CH) dated 17th January, 1955.

²Added by Punjab Government notification, No. 10445-Agr-51/5588, dated 6th October, 1951.

(f) Such Members of the District Fauna Committee as are authorized by the Deputy Commissioner in this behalf ;
and

(g) Any other persons specially authorized by the Deputy Commissioner in this behalf ;

¹[(h) All Game Inspectors.]

10. Hunting with dogs and hawking shall be governed by these rules, and no person shall kill or capture any wild bird or wild animal, except those mentioned in Schedule I of the Act, by means of hawks or with dogs, without a licence. The holder of a licence under these rules may use dogs for the purpose of flushing and retrieving birds and hares.

²[The licence fee for hawking shall be Rs 5, except for goshawks (baz or zoora) which shall be as follows, namely :—

Rupees 10 for each goshawk up to the limit of three goshawks and an additional fee of Rs 20 for each goshawk over that number. ³[The licence for hawking shall be valid only for the district for which it is issued].

The licence fee for hunting with dogs shall be Rs 5 up to six dogs and an additional fee of eight annas for each dog over that number].

The season for hunting with dogs and hawking shall be that prescribed in column 5 of Schedules II and III of the Act, and the capture or killing of wild birds and wild animals by hawks and dogs at any other period of the year is prohibited.

11. (i) Whoever commits a breach of the provisions of the Act or of any rule made thereunder or of any condition of the licence shall be punishable with fine which may extend to fifty rupees or in default with imprisonment of either description which may extend to one month.

(ii) Whoever having already been convicted of an offence under the Act or the rules is again convicted thereunder, shall, on every subsequent conviction, be punishable with fine which may extend to five hundred rupees or in default with imprisonment of either description which may extend to three months, and shall in addition to the punishment provided for the offence be liable to confiscation of the licence.

On conviction of any person for an offence under the Act or the rules, the convicting magistrate may, in addition to any other penalty imposed, order any net, trap or snare used in commission of such offence, ⁴[or any wild bird or wild animal killed, captured, bought, sold or offered for sale, in contravention of the provisions of this Act, to be confiscated and destroyed], or to be sold and converted into money and the proceeds thereof forfeited.

12. A copy of every order made under rule 11 in respect of a licence, together with the nature of the offence committed, shall be endorsed by the magistrate on the licence, and a copy of every endorsement so made shall be sent to the authority by which such licence has been granted.

¹Added by Punjab Government notification No. 4852-Ft, dated 7th December 1940.

²Added by Punjab Government notification No. 856-Ft, dated 21st March, 1941.

³Added by Punjab Government notification No. 3132-Ft., dated 20th October, 1942.

⁴Added by Punjab Government notification No. 1422-Ft., dated 23rd April, 1942.

13. No licence under these rules shall be transferable.

14. The Deputy Commissioner in each district shall appoint a District Fauna Committee to perform the functions assigned to it under these rules and to advise generally about the protection of the Fauna of the district.

PART B

NETTING, NOOSING AND SNARING RULES

15. The netting, noosing, snaring or the capturing of wild birds and wild animals by any method whatsoever is prohibited throughout the year except as provided for in section 4 of the Act.

16. A licence to net, noose, snare or to capture in any other way the wild birds and wild animals mentioned in Schedules II and III of the Act may be obtained from the Deputy Commissioner of the district for which the licence is issued, on payment of the fee prescribed in rule 17, and on the conditions appearing in these rules. The licence shall be valid only for the district for which it is issued.

17. The fee for a licence to net, noose, snare or to capture in any other way wild birds and wild animals shall be Rs 20.

18. The licence shall be issued in the form appended to these rules, and the Deputy Commissioner, or any gazetted Officer authorized by him in this behalf, may determine the number of licences to be issued in his district, and the persons to whom they may be issued.

19. A licensee may use any kind of net, noose or snare, ¹[other than a Bhagwa], but he shall not use more than one contrivance of either kind at one and the same time.

20. A licensee may not engage or employ more than two non-licensees to assist him with his gear.

21. A licensee shall not possess alive any wild bird or wild animal which has been seriously maimed or injured.

Explanation.—The clipping of the feathers of a bird's wings is not an injury within the meaning of this rule.

22. The setting of nets, nooses, traps or snares for catching deer, gazelle, antelope and partridge after sunset and before sunrise is prohibited.

Netting, Noosing and Snaring Licence

Serial No. of Licence

Date of issue

Valid for district of

only.

In consideration of the sum of Rs

received

from this licence is hereby issued to him and is valid up to 1st April, 19 .

This licence is issued in accordance with the Punjab Wild Birds and Wild Animals Protection Act, 1933, and the rules framed thereunder.

Dated

Signature and designation of the authority
issuing the licence

¹Inserted by Punjab Government notification No. 3320-Ft., dated 19th November, 1942.

Renewals on payment of the licence fee.

Period	Signature and designation of the renewing authority	Date of renewal
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		

Copy of orders passed under rule 11.

PART C

SHOOTING RULES

23. The shooting of wild birds and wild animals is prohibited without a licence at any season of the year except as provided for in section 4 of the Act.

24. A licence to shoot such wild birds and wild animals as are included in Schedule III of the Act may be purchased from the under-mentioned agencies, on payment of the fees and on the conditions prescribed in these rules :—

LICENCE ISSUING AGENCIES

- (i) Offices of all Deputy Commissioners in Punjab ;
- (ii) All tahsils, Government treasuries and Sub-treasuries ;
- (iii) Stamp Vendors.
- ¹[iv] the Game Warden, Punjab, or the Game Inspector of the District.]
- ²[v] Outside Punjab such selling agencies as may be appointed for the purpose by the Local authorities with the approval of the Punjab Government.]

* * * * *

¹Added by Punjab Government notification No. 2369-Agr., dated 8th July, 1946.

²Added by Punjab Government notification No. 2727-Agr., dated 23rd April, 1947.

³Rule 24-A added by Punjab Government notification No. 2727-Agr., dated 23rd April, 1947, was omitted by Punjab Government notification No. 210-GP-55/945(CH), dated 5th March, 1955.

¹[25.(1) Shooting license shall be issued on payment of a fee of Rs 15 in cash for each license. A license shall be valid for the whole of Punjab subject to rule 6. The holder of a license shall be entitled to shoot animals mentioned in rule 7 in accordance with these rules and the limits laid down therein.

²[(2) * * * * *].

³[25-A. Where a licence, granted or renewed under these rules, is lost or accidentally destroyed, the authority, empowered to grant such license, may grant another license, which shall be a duplicate copy of the original license, on payment of a fee of one rupee or the original fee for a shooting license, whichever is less.]

26. A shooting licence may be issued on payment of the prescribed fees to such persons only as are entitled to carry guns and rifles FOR SPORT, under the Arms Act, 1878, or to those persons who are exempted from the operation of that Act, and to no other person. ⁴[In case of the refusal of an application for the grant or renewal of a shooting licence, the fee, if paid in advance, shall be refunded to the applicant]. Retainers shall not be permitted to shoot unless they are in possession of a shooting licence under these rules, for which the proper fee has been paid.

⁵[27. * * * * *]

28. The licence issuing agencies mentioned in rule 24 shall maintain a register, in the form appended to these rules, of all licences issued or renewed by them and all licences shall be entered therein as soon as they are issued or renewed. ⁶[On the first day of April in each year, all registers maintained by licence issuing agencies mentioned in item (ii) and (iii) of Rule 24 shall be sent for scrutiny to the Deputy Commissioner and those maintained by Game Inspectors to the Game Warden.]

29. The shooting of all deer, gazelle, urial and antelope is prohibited after sunset and before sunrise, except as provided for in section 12 of the Act.

30. The shooting of antelope (black buck) and the Indian gazelle (ravine deer or chinkara) from an automobile is prohibited throughout the year.

SHOOTING LICENCE

Serial No. of licence.

Date of issue.

Kind of licence (Small Game or General).

In consideration of the sum of Rs

received from

this licence is hereby issued to him and is valid up to 1st April, 19 .

This licence is issued under the provisions of the Punjab Wild Bird and Wild Animals Protection Act, 1939, and the rules framed thereunder.

Dated

District

Signature and designation of the
authority issuing the licence

¹Substituted by Punjab Government notification No. 11871-Agr-51/3205 dated 28th January, 1952.

²Omitted by Punjab Government notification No. 2505-Agr-55/1834, dated 13th May, 1952.

³Added by Punjab Government notification No. 992-Ft., dated 5th April, 1940.

⁴Added by Punjab Government notification No. 4107-Ft., dated 5th October, 1940.

⁵Omitted by Punjab Government notification No. 930-GP-53/423, dated 17th August, 1953.

⁶Inserted by Punjab Government notification No. 2369-Agr., dated 8th July, 1946.

Renewals on payment of the Licence fee

Period	Signature and designation of the renewing authority	Date of rene- wal
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		

Copy of orders passed under rule 11.

Register of licences issued or renewed under the Shooting Rules

1	2	3	4	5	6	7	8
Date of issue or renewal	Name of applicant and father's name	Address in full	No. and date of licence under the Arms Act or of Exemption order	No. of shooting licence	Kind of licence issued under rule 25	Fees recovered	Signature of Agency issuing or renewing the licence

PART D

PURCHASE, POSSESSION AND SALE RULES

31. Except as provided for in section 4 of the Act, a contractor under these rules shall not purchase, possess, sell or offer for sale any wild bird or wild animal within the meaning of this Act, without a licence.

32. A licence for the purpose sanctioned in rule 31 may be obtained, on payment of the fees prescribed in rule 33, from the Deputy Commissioner of the district for which the licence is valid or from any person authorised by him in this behalf.

33. The fee for a licence for the purchase, possession and sale of wild birds and wild animals shall be Rs 5.

34. No licence under this part shall be valid under any other part of these rules or entitle the holder thereof to purchase, possess, sell or offer for sale in any district other than the one for which he holds the licence.

35. A licence shall be issued in the form appended to these rules and the Deputy Commissioner or any gazetted officer authorized by him in this behalf may determine the number of licences to be issued in his district, and the persons to whom they are to be issued.

36. A contractor shall not purchase or take into his possession any wild bird or wild animal from any person not holding a licence under the rules in parts B and C.

37. A contractor shall keep a register in form appended to these rules, and shall on demand furnish all information required by any person authorised by the Deputy Commissioner in this behalf and give every facility to any such person to examine his register.

38. A contractor shall not possess, purchase, sell or offer for sale any wild bird or any wild animal which has been seriously injured or maimed and is still alive.

CONTRACTOR'S LICENCE

Serial No. of licence.

Date of issue.

Valid for the district of only.

In consideration of the sum of Rs received
from this licence is hereby issued to him and is valid
up to 1st April, 19 .

This licence is issued under the provisions of the Punjab Wild Birds and Wild Animals Protection Act, 1933, and the rules framed thereunder

Signature and designation of the authority issuing
the licence.

Dated

**THE PUNJAB WILD BIRDS AND WILD ANIMALS
PROTECTION RULES**

Renewals on payment of the licence fee

Period	Signature and designation of the renewing authority	Date of renewal
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		
Up to 1st April, 19 ..		

Copy of orders passed under rule 11.

Register to be maintained by the Contractor

Name of contractor—

Licence for district—

Date	Number of each kind of bird and animal purchased	Name of person from whom purchased and No. and date of his licence.
1	2	3

For the purpose of this register, in column 2, "ducks" shall mean any species of duck and teal, and sand grouse shall mean any species of sand grouse.

For the purpose of this register, in column 2, grey partridges and black partridges shall be entered separately.

This register shall be provided by the contractor himself at his own cost.

**THE PUNJAB AGRICULTURAL PRODUCE MARKETS
RULES, 1940**

RULES

1. These rules may be called the Punjab Agricultural Produce Short title. Markets Rules, 1940.

2. In these rules unless there is anything repugnant in the subject Definitions. or context,—

(i) the “Act” means the Punjab Agricultural Produce Markets Act, 1939 ;

(ii) “broker” means a person (not being a private servant) usually employed on commission to enter into contracts on behalf of others for the purchase or sale of agricultural produce ;

Explanation:— Any person employed to purchase or sell agricultural produce on account of another whether remunerated by fees, commission or otherwise will not be treated as a broker within the meaning of this rule, provided that he is employed by one person or one firm only and does not work for or demand fee from any other person or firm.

(iii) “buyer” includes a person buying any agricultural produce on behalf of another as his agent or servant or as a commission agent ;

(iv) “by-law” means a by-law made by a market committee under section 28 of the Act ;

(v) “commission agent” means a person, who on behalf of another and in consideration of a commission, makes or offers to make a purchase or sale of any agricultural produce or does or offers to do anything for carrying out such purchase or sale ;

(vi) “Deputy Commissioner” means the Deputy Commissioner of the district within the boundaries of which the notified market area concerned is situate ;

Provided that if the area covered by a notified market area falls within more districts than one, the ²[State] Government shall in the notification declaring the market area determine which of the Deputy Commissioners is to be considered as the Deputy Commissioner for the purposes of these rules ;

³ [(vi)(a) Commissioner means the Commissioner of the Division and includes the Development Commissioner.]

(vii) “seller” includes a person selling agricultural produce on behalf of another as his agent or servant, or as a commission agent ; and

(viii) “unauthorised trade allowance” means any trade allowance not allowed by the by-laws of a market committee.

3. (1) Copies of a notification issued under section 4 of the Act shall be published in one or more of the undermentioned modes, under the orders and at the discretion of the Deputy Commissioner :—

Publication of notification under section 4.

(a) in Urdu, and if necessary, in such other language and in such newspapers as in the opinion of the Deputy Commissioner will give publicity among persons likely to be affected by, or interested in the sale and purchase of agricultural produce in the proposed notified market area ;

¹Added by Punjab Government notification No. 4870-D, dated 17th December, 1940.

²Substituted by Adaptation of Laws Order, 1950, for “Provincial”.

³Vide Punjab Government notification No. 10509-E-53/7927, dated 21st December, 1953.

- (b) by affixing a copy of the notification in Urdu, and, if necessary, in such other language as may be considered necessary by the Deputy Commissioner, in the office of every District Board, Municipal Committee, Notified Area Committee and Panchayat, if any, within whose jurisdiction the notified market area or any part thereof is situated, and at some conspicuous place in the existing *mandi*, if any ;
- (c) by affixing a copy of the notification in Urdu, and, if necessary, in such other language as may be considered necessary by the Deputy Commissioner, in the principal common meeting place, if any, of every village within the notified market area ; and
- (d) by beat of drum in the villages, within the notified market area.

(2) The time of publication under clauses (a) to (c) and the time and frequency of the drum beating under clause (d) shall be determined by the Deputy Commissioner.

Expenses of
a notification.

4. The expenses of the publication of a notification issued under section 4 of the Act shall be met out of Government funds.

Market how
to be notified.

5. (1) A market established in a notified market area shall be notified as under—

- (a) by putting up a notice, giving the boundaries of the market outside the office, if any, of the market committee, or if there be no such office, in some conspicuous place in the market to be selected by the Chairman of the market committee concerned ;
- (b) by beat of drum in the market and in such other place or places and at such time or times as may be determined by the Chairman of the market committee concerned ;

(2) The expenses of notifying a market shall be met out of the funds of the market committee concerned.

Licences to
buyers and
sellers of
agricultural
produce.

¹[6. (1) Any person wishing to obtain a licence under section 6—

- (a) with a view to setting up, establishing or continuing or allowing to continue any place for the purchase and sale of agricultural produce in a notified market area], or
- (b) as a seller ², or buyer or both buyer and seller] of agricultural produce,

shall apply to the Deputy Commissioner, through the market committee of the area, in form "A" given in the Schedule appended to these rules and shall affix to it a court-fee adhesive stamp of the value of Rs 10 as the annual licence fee. If the same person applies for licences under both (a) and (b) only one fee of Rs 10 shall be charged :

Provided that it shall not be necessary for the owner of any premises letting out the same to any other person for setting up, establishing or continuing or allowing to continue any place for the purchase and sale of agricultural produce to obtain a licence if he does not himself work as a dealer.

¹Substituted by Punjab Government notification No. 1097-Agr., dated 14th March, 1945.

²Substituted for the words "or buyer" by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

(2) The Secretary of the market committee or some other official appointed by the committee to receive such applications shall immediately on receipt of an application check the court-fee stamp affixed to it with a view to satisfy himself that the stamp is genuine and represents the correct amount of fee payable for the licence. The application shall then be entered in the register in form "K" given in the schedule appended to these rules and forwarded with the least possible delay to the Deputy Commissioner.

(3) On receipt of the application the clerk concerned in the Deputy Commissioner's office shall again check the stamp affixed to the application and cancel it in the manner prescribed by rules or instructions issued under the Court-fees Act, 1870. The Deputy Commissioner, or such other officer, not below the rank of an Extra Assistant Commissioner, as may be appointed in this behalf by the Deputy Commissioner, on being satisfied that the grant of the licence does not offend against any order passed under section 6 (2) of the Act shall issue a licence in form 'B' given in the schedule, which shall be sent to the market committee for delivery to the applicant.

(4) The licence shall be subject to the conditions which shall be printed or noted on it or which may be notified in this behalf.

(5) An order passed under section 6(2) of Act shall be forwarded in original by the officer making it to the Deputy Commissioner while its purport shall forthwith be communicated in writing to the licensee through the market committee of the area.

¹(5-A) (1) Where the licensee is a firm, any change in the membership of such firm occurring otherwise than through inheritance shall mean the constitution of a new firm and shall necessitate a fresh licence :

Provided that in the case of a Hindu-joint-family firm any addition on account of the birth of any male member shall not be treated as bringing about any change in the membership of the firm.

(2) Where a change, not necessitating a fresh licence, takes place in the membership of a firm, intimation thereof shall within two weeks from the date of such change, be given to the Deputy Commissioner, who if satisfied after such enquiry as he may consider necessary, of the correctness of such intimation, shall order necessary corrections to be made in the licence. Intimation of such order shall furthermore be given to the market committee concerned, and necessary corrections shall be made in registers in form K maintained in the offices of the Deputy Commissioner and the market committee.

(3) Where a licensee firm changes its name without any change in its membership, it shall, within two weeks from the date on which such change is effected, give intimation thereof to the Deputy Commissioner who, if satisfied, after such enquiry as he may consider necessary, of the correctness of such intimation, shall order necessary corrections to be made in the licence. Intimation of such order shall furthermore be given to the market committee concerned, and necessary corrections shall be made in registers in form K maintained in the offices of the Deputy Commissioner and the market committee.

¹Inserted by Punjab Government notification No. 1846-Agr., dated 11th May, 1945.

(4) If in a case covered by sub-rule (2) or (3) the licensee firm fails to give necessary intimation to the Deputy Commissioner, the change in the membership or the name of the firm, as the case may be, shall be presumed to constitute a new firm.]

(6) The substance of the order shall furthermore be noted in the appropriate columns of the register "K" maintained in the office of the Deputy Commissioner and the market committee concerned.]

Persons ex-
empt from
taking out
licences.

7. (1) The following persons shall be exempted from taking out a licence for the purchase of agricultural produce :—

(a) Confectioners and other purveyors of parched, fried or cooked food, and

(b) Oil-pressers using Indian machines called *kohlus*.

¹[(c) Hawkers and petty retail shopkeepers who do not engage in any dealing in agricultural produce other than such hawking or retail sales.

Note—For the purposes of this clause a dealer whose turnover of agricultural produce does not exceed Rs 750 in any month of the year or Rs 5,000 during the year for which exemption is claimed, shall be treated as a petty shopkeeper, and the decision of the Deputy Commissioner with regard to such turnover shall be final for all proceedings under the Act.

(d) Persons who have taken out licences under the Punjab Tobacco Vend Fees Act and deal exclusively in tobacco:

Provided that in the case of clauses (a) and (b) the purchase is made for meeting the vocational needs of the persons concerned.]

²[(e) Officials of the Punjab State and the Indian Union when making purchases for the State or the Indian Union.]

(2) The following shall be exempted from taking out a licence for the sale of agricultural produce :—

(a) Scheduled banks when proceeding against any agricultural produce belonging to a grower or licensee under section 6 of the Act to whom money has been advanced against the security of such agricultural produce.

¹[(b) Hawkers and petty retail shopkeepers as defined under sub-rule (1) who do not engage in any dealing in agricultural produce other than such hawking or retail sales.

(c) Persons who have taken out licences under the Punjab Tobacco Vend Fees Act and deal exclusively in tobacco.]

²[(d) Officials of the Punjab State and the Indian Union when making sales for the State and the Indian Union.]

Constitution
of a market
committee.

8. (1) A notification under section 7 of the Act shall determine the numerical strength of the market committee to be constituted.

(2) For the purpose of constituting a market committee the Deputy Commissioner shall fix and notify, in such manner as may be considered necessary by him, a date by which panels of growers and of licensees under sections 6 and 9, respectively, shall be submitted.

¹Added by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

²Inserted by Punjab Government notification No. 2563-E-51/4036, dated 20th June, 1951.

(3) The election of growers by the non-official members of a District Board shall be held on the basis of plural votes, that is to say, each voter shall have votes equal to the number of seats to be filled up. These votes may be cast in favour of one or more candidates at the option of the voter.

(4) If the licensees competent to submit a panel have formed themselves into an association recognised by the Deputy Commissioner, the panel of names shall be submitted through the President thereof. In other cases the Deputy Commissioner shall satisfy himself that the panel submitted to him represents the wishes of the licensees concerned.

(5) The panel submitted by the licensees shall disclose the order of priority in which the names are desired to be considered for appointment as members of the market committee.

(6) The Deputy Commissioner shall within a fortnight of the receipt of the panels of names, or as soon thereafter as possible, submit his recommendations to the Government for the appointment of the members of the market committee. In case the Deputy Commissioner does not recommend the names of licensees in the order of priority disclosed by the panel, he shall record his reasons in writing.

(7) Government shall after such enquiry, if any, as they may deem proper, select and notify the names of the members appointed :

Provided that if the Government do not accept the names of licensees in the order of priority disclosed by the panel, an opportunity shall be given to the licensees concerned to submit fresh names in place of those not accepted, or to state the order of priority among the other names included in the panel.

(8) The notification shall specify the date from which the market committee is to function. This information besides being communicated to the members appointed shall be notified to the public by exhibiting a copy of the notification in the office of the market committee, or if there be no such office in some conspicuous place within the notified market area, to be selected by or under the orders of the Deputy Commissioner.

9. No person shall be appointed a member of a market committee who—

- (a) does not ordinarily reside within the boundaries of the district where the market is situated ; or
- (b) is a female ; or
- (c) is below 21 years of age ; or
- (d) is of unsound mind ; or
- (e) has been declared an insolvent, or has been sentenced by a Criminal Court whether within or outside India, to imprisonment which, in the opinion of the Government renders him unfit to be so appointed ; or
- (f) has directly or indirectly any share or interest in any contract or employment with or on behalf of or under the market committee ; or

Persons not
eligible for
membership

- (g) is an officer or servant of the market committee ; or
- (h) is an employee of any local body.

Termination
of member-
ship and
filling of
casual va-
cancies.

10. (1) Membership of a market committee shall terminate :—
- (a) when the term for which the appointment had been made expires ; or
 - (b) by death ; or
 - (c) by acceptance of resignation tendered under sub-rule (2) ; or
 - (d) by becoming subject to any one of the disqualifications mentioned in clauses (d) to (i) of rule 9 above ; or
 - (e) by removal under the orders of the Government passed under the Act.

(2) Any member of a market committee may resign his office by tendering resignation in writing to the Chairman, and if the member tendering resignation is himself the Chairman, he shall submit it to the Deputy Commissioner :

¹[Provided that if no Chairman has been elected or if the elected Chairman is not performing the duties of his office, a member other than the Chairman may submit his resignation to the Deputy Commissioner.]

(3) So long as a resignation tendered under sub-rule (2) above is not accepted, the person concerned shall continue as member.

(4) Every resignation received by a Chairman shall, along with a report of the facts in so far as these may be known to him, forthwith be sent to the Deputy Commissioner who shall with the least possible delay, forward the same with necessary comments to the Government.

(5) The acceptance of resignation of a member shall be notified to the Deputy Commissioner who shall forthwith communicate to the market committee and the member concerned.

(6) The procedure prescribed in Rule 8 shall so far as it may be applicable apply to the filling up of a casual vacancy, and the member so appointed shall be presumed to have entered upon his duties from the date of the publication of the notification under sub-rule (8) of Rule 8.

Election of
Chairman
and Vice-
Chairman of
a Market
Committee.

11. (1) A market committee at its first meeting shall elect a Chairman and a Vice-Chairman. For this purpose the meeting shall be called under the orders of the Deputy Commissioner on a date and at a time to be fixed by him, and shall be presided over by the Deputy Commissioner himself or by such officer not below the rank of a Tehsildar whom the Deputy Commissioner may appoint in this behalf.

(2) For such a meeting the quorum shall be not less than two-thirds of the existing strength of the market committee :

¹[Provided that if a meeting called under this rule cannot be held for want of a quorum, no quorum shall be necessary at the next meeting called for transacting the same business.]

¹Added by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

(3) A candidate for the office of a Chairman or Vice-Chairman shall be proposed in the meeting by one member and seconded by another, and the names of all the candidates so proposed and seconded shall be read out by the President of the meeting.

(4) If there be only one candidate, he shall be declared elected. But if there be more candidates, the decision shall be by votes of the members present in the meeting, which shall be recorded by show of hand, and shall be declared by the President.

(5) The President shall count the votes and declare the member who secures the largest number of votes to have been elected Chairman, or Vice-Chairman, as the case may be.

(6) In the event of a tie between two or more candidates, the President shall, there and then, draw lots in the presence of the members present, and the person whose name is drawn first shall be declared elected.

¹[(7) The Chairman and the Vice-Chairman shall be deemed to have assumed office when their election has been confirmed by the Deputy Commissioner and this fact has been communicated to them in writing. If the Deputy Commissioner refuses to confirm any election, a fresh election in accordance with these rules shall be held.]

(8) The President of the meeting shall record the proceedings of the election in the minute book of the market committee, and send a copy thereof to the Deputy Commissioner.

12. (1) A Chairman and a Vice-Chairman elected under rule 11 shall hold office during the life time of the market committee.

(2) A Chairman and a Vice-Chairman shall cease to function as such—

(a) on the termination of membership ; or

(b) on resignation, in writing, being accepted by the Deputy Commissioner.

Term of office of and filling of casual vacancies in the office of Chairman and Vice-Chairman.

(3) A vacancy in the office of a Chairman or Vice-Chairman, before the expiry of the full term, shall be filled by election at a meeting of the market committee, summoned, presided over and conducted in accordance with the rule of the transaction of its ordinary business.

13. (1) The Chairman shall be the chief executive officer of the market committee, and all officers and servants of the market committee shall, subject to these rules and by-laws, if any, made in this respect by the market committee, be subject to his control.

Duties and powers of a Chairman and Vice-Chairman.

(2) The Chairman shall conduct all correspondence and be responsible for the keeping of accounts and for the safe custody of all moneys not deposited in accordance with rule 37.

(3) The Chairman shall forthwith report the death of any member of market committee to the Deputy Commissioner who shall take steps to get the vacancy filled up in accordance with law.

(4) The Chairman shall, furthermore, bring to the notice of the Deputy Commissioner any fact or facts which in his opinion debar a member from continuing as such.

¹Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

(5) The Chairman may, for reasons to be recorded in writing, delegate any of his duties to the Vice-Chairman, generally or for such period as may be determined by him :

Provided that if the Chairman is absent from the notified market area or on account of illness or other circumstances is unable to perform his duties, the Vice-Chairman shall act for the Chairman, and he shall while so acting have all the powers of and be responsible for all the duties of the Chairman.

Presidency of
market
committee
meetings and
transaction
of business.

14. (1) A meeting of a market committee shall, subject to any by-laws made by the market committee, be called under the order of the Chairman.

(2) The quorum for a meeting, not otherwise provided for in these rules, shall be ¹[seven] in a committee of sixteen and ¹[four] in a committee of nine.

(3) The quorum of a meeting in which the annual budget is to be considered, shall be not less than ²[one-half] of the existing strength of the market committee.

³[(4) If a meeting called under this rule cannot be held for want of a quorum, no quorum shall be necessary at the next meeting called for transacting the same business.]

(5) Every meeting of a market committee shall be presided over by the Chairman, or in his absence by the Vice-Chairman, but if both are absent, the meeting shall elect one of the other members present to act as Chairman for the occasion, and such Chairman shall have, for that meeting all the powers of a Chairman, and be designated as such :

Provided that if the Chairman or the Vice-Chairman returns during the meeting he shall resume his powers as Chairman from the temporary Chairman.

(6) The Chairman of a meeting shall be responsible for preserving order in the meeting, and shall decide all points of order that may be raised therein. There shall be no discussion on points of order unless the Chairman considers it, necessary to seek the opinion or advice of any member present, and the Chairman's decision shall be final.

(7) All questions that may come up before a meeting, shall be decided in accordance with the votes of the majority of the members present, and in case of equality of votes, the Chairman shall have and may exercise a second or casting vote.

Members not
to take part
in certain
proceedings.

15. No member of a market committee shall be present at, or vote, or take any other part in any proceeding of the market committee or of any sub-committee constituted by it, relating to a matter in which he or any one of the persons enumerated in rule 41(2) has a direct or indirect pecuniary interest.

Minute-book

16. (1) A market committee shall maintain a minute-book in which the record of the proceedings of every meeting shall be entered by or under the directions and supervision of the Chairman of the meeting, and shall be signed by him.

¹Substituted for '9' and '5' respectively, by Punjab Government notification No. 524-Agr., dated 14th February, 1945.

²Substituted by *ibid* for "two-third".

³Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

(2) In order to ensure that the minutes of a meeting are correctly recorded, these shall be read out in the next meeting of the market committee as the first item of the agenda, and members who were present at the former meeting shall have the right of questioning the correctness of the recorded minutes which shall be conformed with such modifications as may be decided upon to bring them in conformity with the facts. In case of any dispute about the correctness of the minutes the opinion of the Chairman under whose signature the record was made, if he be present, shall be final. If, however, the said Chairman be not present when the dispute arises, the matter shall be decided in accordance with the majority of the votes of the members who had attended the former meeting and are present.

17. (1) A copy of the proceedings of every meeting of a market committee shall forthwith be forwarded to the Deputy Commissioner. Copies of proceedings to be sent to Deputy Commissioner.

(2) The Deputy Commissioner shall keep a permanent record of the proceedings sent to him under the above sub-rule without any further publication.

18. (1) A sub-committee appointed under section 15 of the Act may be for the full term of the market committee or for a shorter fixed period. The appointment and dismissal of members of a sub-committee, and delegation and withdrawal of powers and duties shall be by a resolution of the market committee. Appointment of sub-committees.

(2) The market committee shall fix the quorum of the meetings of the sub-committee appointed by it, and shall nominate its Chairman who shall be the convener of the meetings of the sub-committee, and shall submit a record of all the work done by the sub-committee to the Chairman of the market committee.

(3) The rules of procedure applicable to the meetings of a market committee shall, in so far as these may be applicable apply to the meetings of a sub-committee.

19. * * 1 *

²[19-A (1) An order passed by a market committee under the Act or these Rules shall be appealable, at the instance of the aggrieved party, to a gazetted officer not below the rank of a magistrate of the first class appointed by Government for the purpose. Appeals against market committee's decision.

(2) Except as may be otherwise provided by these rules every appeal shall be stamped with a court-fee of rupee one.

³[(3) Every appeal shall be presented to the appellate authority by the appellant or his duly appointed agent, within thirty days of the date of the order appealed against. It shall be accompanied by a copy of such order, and shall set out the grounds of attack together with a clear statement of the facts relevant thereto and of the relief claimed. It shall now clearly show the name and full description of the appellant who shall duly sign the memorandum and verify the correctness of the facts stated therein.]

⁴[(4) The appeal shall be decided after notice to and hearing, if they so desire, the appellant, the market committee concerned, and the person at whose instance or in whose favour the order under appeal had been made, and after making such further enquiry as the appellate authority may consider necessary. The order passed by the appellate authority shall be final and conclusive.]

20. All references from a market committee to any officer of the Government shall be made through the head of the department or office concerned. References.

¹Deleted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

²Added by Punjab Government notification No. 1263-D(S), dated 4th July, 1941.

³Added by Punjab Government notification No. 524-Agr., dated 14th February, 1945.

⁴Substituted by *ibid.*

Powers and duties of market committee—General administration of market property.

21. (1) A market committee shall draw up, and may, as occasion arises, amend its by-laws under section 28 of the Act to regulate its own procedure and effectively to discharge its functions. Subject to the provisions of the Act and these rules, the by-laws shall, *inter alia* prescribe—

- (a) the time and place of the meeting of the market committee ;
- (b) the manner of convening a meeting and giving notice therefor ;
- (c) the conduct of proceedings at a meeting ;
- (d) the distribution of duties among members of the market committee and its sub-committees ;
- ¹[(e) payment of travelling expenses to members of the market committee, provided that no by-law made under this sub-rule shall be brought into operation unless and until the Deputy Commissioner certifies that the committee's financial position permits the grant of such travelling expenses ; and]
- (f) the persons by whom receipts may be granted on behalf of the market committee for money paid to it ;
- (g) the member or members of the market committee by whom licences to be issued by it may be signed ;
- (h) the procedure for the reception, hearing and disposal of complaints by the market committee or by its sub-committees ;
- (i) fees for the grant and renewal of licenses under rule 23(1) ;
- (j) fees to be levied by the market Committee in connection with transaction relating to the purchase and sale of an agricultural produce, or for weighment, measurement or storage of such produce through its agency ;
- (k) security to be furnished by the officers and servants of the market committee entitled to handle money on its behalf ;
- (l) the regulation of the duties of persons holding licences from the market committee; and the fees, trade allowances or remuneration to be charged by them, or by dealers ;
- (m) the leasing out or other management of the immovable property owned by or vesting in the market committee ;
- ²(n) * * *
- (o) hours of business for the purchase or sale of agricultural produce in a market ;
- (p) rules regarding the imprest money to be kept under the control of the Chairman of the market committee ;
- (q) the manner of checking weights, measures and scales in use in the market area, of stamping weights and measures found to be correct, and of issuing certificates in respect of scales found to be correct ; and
- (r) any other matter for the guidance of the members, officers and servants of the market committee for the purposes of carrying out the provisions and objects of the Act and these rules.

¹Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

²Clause (n) omitted by Punjab Government notification No. 1158-Agr., dated 22nd February, 1947.

(2) By-laws framed by a market committee or amendments thereof shall be published for one week in a prominent place in the notified market area to be selected by the market committee. Any objection in writing received by the market committee within ten days of the first day of publication shall be considered at a meeting of the market committee. The by-laws as finally approved by the market committee shall be submitted to the Deputy Commissioner, who shall at his discretion be competent to remit the same for the reconsideration of the market committee on the lines to be indicated in his order. The market committee, after making such modifications, if any, as it may consider necessary, shall return by-laws to the Deputy Commissioner who shall then forward them to Government with such recommendation as he may deem proper, and the Government shall confirm the by-laws with such modifications as they may consider necessary, ¹[without any further publication.]

22. (1) A market committee shall exercise such control over the market and the sale and purchase of agricultural produce therein, as may be required for the due observance of the provisions of the Act and these rules, and shall manage the market in the best interest of the trade. Control and conservancy of the market.

(2) A market committee shall, as far as the funds at its disposal permit, provide shelter and drinking water for men and animals coming to the market. It shall keep all property vested in it in a sanitary condition.

²[(3) A market committee may, and if so required by the Punjab Government, shall make a general order providing for the regulation of the ingress and egress of traffic in the market and specifying places where vehicles shall be unloaded and parked and where animals shall be unloaded and tethered. For the information of persons visiting the market, such an order shall be exhibited outside the office of the market committee and at such conspicuous place or places in the market as the Chairman of the committee may determine.]

23. (1) Subjects to the provision made under sub-rule (4) a market committee shall grant licences to persons who apply for the same to work in the notified market area as brokers, weighmen, measurers, surveyors or warehousemen. These licences shall be necessary only for transactions which fall within the purview of the Act. An application for the grant of a licence shall be in form 'D' and the licence in form 'E'. Licences to brokers, weighmen, measurers, surveyors and warehousemen.

³[The licence shall be subject to the conditions which shall be printed or otherwise noted on it and to all such conditions as may be notified from time to time as being applicable to such licences.]

⁴[(1-A) (a) Where the licensee is a firm, any change occurring in the membership of such firm otherwise than through inheritance shall mean the constitution of a new firm and shall necessitate a fresh licence :

Provided that in the case of a Hindu-joint-family firm any addition on account of the birth of any male member shall not be treated bringing about any change in the membership of the firm.

(b) Where a change, not necessitating a fresh licence, takes place in the membership of a firm, intimation thereof shall, within two weeks from the date of such change, be given to the market committee concerned, who if satisfied, after such enquiry as it may consider necessary about the correctness of such intimation, shall order necessary corrections to be made in the licence, and the register in form K shall also be corrected.

¹Inserted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

²Added by Punjab Government notification No. 1158-Agr., dated 22nd February, 1947.

³Added by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

⁴Inserted by Punjab Government notification No. 1846-Agr., dated 11th May, 1945.

(c) Where a licensee firm changes its name without any change in its membership, it shall, within two weeks from the date on which such change is effected, give intimation thereof to the market committee, who if satisfied, after such enquiry as it may consider necessary, about the correctness of such intimation, shall order necessary corrections to be made in the licence, and the register in form K shall also be corrected.

(d) If in a case covered by sub-rule (2) or (3) the licensee firm fails to give necessary intimation to the market committee, the change in the membership or the name of the firm, as the case may be, shall be presumed to constitute a new firm.]

(2) A market committee shall through its by-laws draw up a list of fees to be paid for the grant or renewal of licences to brokers, weighmen, measurers, surveyors and warehousemen :

Provided that in the case of weighmen and measurers the fee shall not exceed rupee one annually.

(3) A market committee shall subject to the approval of the Deputy Commissioner be competent to alter the conditions subject to which licences may be granted in the future. In case of a breach of any condition of a licence the market committee may after giving to the licensee an opportunity to be heard and for reasons to be recorded in its minutes-book, suspend or cancel his licence without being liable to refund the fee paid for it.

(4) While suspending or cancelling a licence, a market committee may order that the licensee concerned shall not be entitled to the renewal of such licence, or the grant of a new one for such period not exceeding six months, as it may consider expedient.

(5) No broker shall advance money for the purchase of, or have in his possession the document of title relating to, any agricultural produce in connection with which he is employed as a broker.

¹[23-A. Except as hereinafter provided no person shall at the same time hold a dealer's licence under section 6 and a functionary's licence under section 9, or hold licences under section 9 to act as a functionary in more than one capacity :

Provided that licences as dealer and warehouseman may be granted to and held by the same person, and a person holding a weighman's licence may work thereunder as a measurer and *vice versa*.]

Books to be kept by licensed brokers and warehousemen.

24. Every broker and every warehouseman licensed under these rules shall—

- (a) keep such books in such form as the market committee granting the licence may from time to time prescribe by its by-laws ;
- (b) render such return at such times and in such forms as the market committee may prescribe ; and
- (c) render such assistance as may be required by the market committee, in the collection of fees due under the Act or under these rules or by-laws made thereunder, in preventing evasions of payment thereof, and generally in the prevention of breaches of the Act or of these rules or of any by-laws made thereunder.

¹Added by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

25. All weighmen, measurers and surveyors shall be supplied with badges bearing serial numbers allotted to them. The badges shall be of such pattern as may be approved by the market committee ; and no licensed weighman, measurer or surveyor shall act as such in a notified market area unless he is actually wearing the badge on his forehead or left arm. A deposit of not more than one rupee, as may be fixed by the market committee, to cover the cost of a badge shall be made with the market committee by every licensed weighman, measurer or surveyor before the grant of a badge to him. When a licence expires or is suspended or cancelled, the badge shall be returned to the market committee and on such return the deposit therefor shall be refunded.

Licensed weighmen, measurers and surveyors to wear badges.

¹[26. A licensed dealer when acting as a commission agent, broker, weighman, measurer, surveyor or warehouseman, or any other functionary whether licensed or not shall not in respect of services rendered by him in connection with the purchase and sale of agricultural produce, receive from the person employing him a higher remuneration than that prescribed by the by-laws of the market committee concerned. Where agricultural produce is bought or sold through the agency of a commission agent (commonly known as a *pucca arhtia*) who is himself an intermediate owner in the course of a transaction, such commission agent shall charge remuneration ²[at the rate of Re. 0-8-0 per cent of the value of agricultural produce bought from the buyer for whom he acts] but not in respect of both]:

Fees for licensees and other functionaries.

Provided that in the absence of any agreement to the contrary the fees chargeable by a weighman, measurer or surveyor shall be payable by the buyer and seller in equal shares.

27. (1) No person shall, in the absence of any express agreement, be bound to employ a broker in any transaction, or be required to pay for a broker employed by any other party to the transaction, or to pay for a broker when none has been employed.

Employing a broker.,

³[(1-a). Where any person enters into any transaction for the purchase or sale of any agricultural produce through a commission agent, and the commission agent, without a written authority from his principal, employs a broker in connection with such transaction, the broker's remuneration shall be payable by, and may be paid out of the remuneration due to such commission agent].

(2) The same person shall not act as a broker both for the buyer and the seller of an agricultural produce in the same transaction.

28. (1) A seller may make an application in form 'F' for the sale of an agricultural produce belonging to him by auction in a market. Such application shall be given a monthly serial No. and shall, after the auction, be preserved in the office of the market committee for three years from the date of auction.

Employment of auctioneers.

(2) A market committee may employ on such terms as may be fixed by it, one or more auctioneers for the sale by auction of any agricultural produce.

(3) Such auction of agricultural produce shall be held at such place or places in the market as may be fixed by the market committee.

¹Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

²Substituted by Punjab Government notification No. 3138-Agr., dated 12th May, 1947, for the words "in respect either of the purchase or of the sale".

³Added by Punjab Government notification No. 646-Agr., dated 22nd February, 1946.

(4) Bids made at the auction shall be recorded by the auctioneer in form 'G'.

(5) The auctioneer shall conduct the auction on terms as to the payment of price as set out in Rule 28-A, which shall be made known to the prospective bidders before the auction is held.

¹[(6) After the sale is completed, the auction form duly completed shall be forwarded by the auctioneer to the market committee, by whom it shall be preserved for three years].

Payment of
sale price.

28-A. In the absence of any written agreement to the contrary the sale price of agricultural produce purchased or sold under these rules shall be paid on delivery.

Execution of
memorandum
in Form H.

¹[28-B. On completion of a transaction liable to the levy of a fee the buyer shall immediately execute a memorandum in form H. The foil of the memorandum shall be given to the seller and the counterfoil retained by the buyer.]

Preservation
and produc-
tion of re-
ceipt books.

²[28-C. The foil and counterfoil of Form H prescribed under rule 28-B and of the receipt prescribed by each Market Committee under its by-law 13(6), shall be preserved for a period of one year from the date of issue of the last foil or the last inspection whichever is later, and shall be produced on demand by an employee authorised in this behalf by the Market Committee.]

Levy and
collection of
fees on the
sale and pur-
chase of agri-
cultural
produce.

29. (1) Subject to the approval of the Government and such restrictions as may be imposed by them, a market committee shall draw up a schedule of fees to be levied on the sale or purchase of agricultural produce in the notified market area :

Provided that no such fee shall exceed one anna per maund, or its equivalent in case of measurement of the agricultural produce sold, or be levied on the same agricultural produce more than once in the same notified market area. A list of such fees shall be exhibited in some conspicuous place at the office, if any, of the market committee concerned.

(2) Fees prescribed under sub-rule (1) shall be leviable as soon as an agricultural produce is bought or sold by a licensee. In case the buyer and the seller are both licensees, the fee shall be paid by them in equal shares otherwise it shall be paid in whole by whichever of them is a licensee :

Provided that in the case of a transaction liable to the imposition of a fee, entered into by a *kacha arhtia* directly on behalf of a grower the whole fee shall be payable by the licensee buyer and the *kacha arhtia* shall not be liable for any portion of it :

Provided also that for the purpose of this rule buyers and sellers ³[not being hawkers or petty retail dealers within the meaning of rule 7] exempted under rule 7 from taking licences shall be considered as licensees.

(3) It shall be the duty of a licensee, liable to the payment of any fee in connection with the sale or purchase of any agricultural produce to pay the same to the market committee concerned.

¹Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

²Substituted by Punjab Government notification No. 343-E-52/255, dated 22nd May, 1952.

³Inserted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

¹[(4) The market fee shall be paid to the market committee or a paid officer duly authorised to receive such payment, on the day of the transaction or the following day :

Provided that in special cases of hardship the Chairman of the market committee may, by an order in writing, extend this period up to not more than seven days, from the day of the transaction].

(5) A receipt in form I shall forthwith be granted to the person making payment in respect of any fee paid under these rules.

(6) Every officer or servant employed by a market committee for the collection of fees shall be supplied by the market committee with a badge of office in such form as may be prescribed by it. The badge shall be worn by the officer or servant concerned while discharging his duties.

(7) Every such officer or servant shall before entering on his duties furnish such security as may be prescribed by the by-laws of the market committee concerned.

²[(8) Every person authorised to collect fees shall be provided with a counterfoil receipt book in form I and a locked money box. The key of the box shall remain with the Chairman or under his written order with any other member or secretary or checker, if any, of the market committee. The amount paid shall be placed in the box by the person making the payment or in his absence by the person receiving it. The box shall be opened daily in the evening at a fixed hour at the office of the committee by the secretary, or if the committee so directs by the checker, if any, and the money contained therein counted in the presence of a member of the committee or any official of the committee in receipt of a pay of not less than 50 rupees a month. The person in whose presence the box is opened shall be responsible for comparing the counterfoil receipts with the amount actually received and for giving a certificate to this effect over his dated signature on the back of the last counterfoil.

³[(9) For the purpose of this rule agricultural produce shall be deemed to have been brought or sold in a notified market area—

- (a) if the agreement of sale or purchase thereof is entered into the said area ; or
- (b) if in pursuance of the agreement of sale or purchase the agricultural produce is weighed in the said area ; or
- (c) if in pursuance of the agreement of sale or purchase the agricultural produce is delivered in the said area to the purchaser or to some other person on behalf of the purchaser.

(10) If in the case of any transaction any two or more of the acts mentioned in sub-rule (9) have been performed within the boundaries of two or more notified market areas the market fee shall be payable to the market committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale or, if no such weighing has taken place to the market committee, within whose jurisdiction the agricultural produce is delivered as provided by clause (c) of sub-rule (9).]

⁴29-A. If a fee has been leviable on the sale or purchase of any quantity of agricultural produce in a notified market area and the dealer concerned has complied with the provisions of sub-rule (2), then no fee shall be leviable on the sale or purchase within the same notified market area of any agricultural produce manufactured or extracted from the agricultural produce in respect of which the fee has already been paid.] Exemption from payment of fees.

¹Substituted by Punjab Government notification No. 524-Agr., dated 14th February, 1945.

²Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

³Added by *ibid.*

⁴Added by *ibid.*

Account of
transactions
and of fees to
be maintained.

30. (1) Every licensed dealer and every dealer ²[not being a hawker] exempted under rule 7 from obtaining a licence shall submit to the market committee a return in form H-A showing his total purchases and sales of each item of agricultural produce on each day, either on that day or on the following day :

Provided that in special cases of hardship the Chairman of the market committee may, by an order in writing, extend this period up to not more than seven days from the date of the transactions.

(2) The market committee shall maintain a register in form J showing the total purchases and sales made by dealers and the fee recoverable and recovered from them.

(3) The market committee shall levy the fee payable under section 19 on the basis of the return furnished under sub-rule (1) :

Provided that if the market committee has reason to believe that any such return is incorrect, it shall, after notice to the dealer concerned and after such enquiry as it may consider necessary, assess the amount of the dealer's business during the period in question, and levy fee on the basis of such assessment.

(4) If a dealer fails to submit a return as prescribed under sub-rule (1) the market committee may after notice to such dealer, assess the amount of his business during the period in question on such information as may be available and levy the fee on that basis.

(5) If a dealer habitually makes default in the submission of returns or in the opinion of the market committee habitually submits false returns the market committee may apply to the Deputy Commissioner for an order authorising inspection of the dealer's accounts. Such application shall be accompanied by a statement of the evidence to support the allegations duly verified by a member, or the secretary or tax-inspector or tax-collector of the market committee.

(6) The Deputy Commissioner or such gazetted officer subordinate to him, as he may appoint in this behalf, may, if he thinks fit, call upon the dealer to show cause why the application should not be allowed and may also make enquiry in such other manner as he may deem necessary, and shall either disallow the application or authorise the market committee to inspect the dealer's accounts, relating to such date or dates as may be specified in the authorisation.

(7) If the application for inspection is allowed, the market committee shall inform the dealer of the date and place fixed for the inspection ; provided that if the dealer so desires, and pays such fee as the market committee may fix in this behalf the inspection shall be made at the dealer's premises.

(8) The market committee shall, either generally or in each case appoint one or more of its members to conduct such inspections of dealer's account books, and such member or members may be assisted at the inspection by an employee nominated by the market committee for the purpose.

(9) Such member or members may after inspection prepare a return or may amend the return already furnished, on the basis of transactions appearing from the dealer's account books and the market committee may levy a fee, or as the case may be, an additional fee, under section 19

¹Inserted by Punjab Government notification No. 524-Agr., dated 14th February, 1945. The original rule had been deleted by Punjab Government notification No. 1999-Agr, dated 27th October, 1944.

²Inserted by Punjab Government notification No. 2650-Agr., dated 1st August, 1946.

on the basis of such return or amended return, but if the account books are reported to be unreliable, or as not providing sufficient material for proper preparation or amendment of the return or if no such books are maintained or produced, the market committee may assess the amount of the dealer's business on such information as may be available and levy fee on the basis of such assessment.

(10) Habitual default in the submission of returns and habitual submission of false return shall be a sufficient ground for cancellation of, or refusal to renew, a licence, and the provisions of this rule shall apply in addition to and not in derogation of any other law, penal or otherwise, applicable to non-compliance, or defective compliance with any duty imposed upon a dealer by the Act or by these rules, or by any by-law or order of a market committee.

(11) An assessment order made under the proviso to sub-rule (3) or under sub-rule (4) or (9) shall, unless passed in the presence of the dealer concerned, be communicated to him by means of a written notice and a copy thereof shall be granted to the dealer on his making a written application, and paying a sum of Re 0-8-0 as copying fee to the market committee. Every market committee shall maintain a registered of copying fee.

(12) The copy shall be prepared in the office of the market committee and certified to be correct by the secretary or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall give the dates on which the application was received and the copy prepared and delivered to the applicant, and shall be conclusive evidence of the correctness of these dates].

¹[(13) An assessment made by a market committee under sub-rule (3) or under sub-rule (4) or (9) shall be deemed to be an order for the purposes of rule 19-A except that the court fee payable shall be an *ad-valorem* fee under article I of the Court Fees Act on the amount in dispute].

²31. (i) In any notified market area for which tobacco has been notified as agricultural produce under section 4, the market committee may prescribe the places at which tobacco may be weighed, measured or sold.

Places at which agricultural produce shall be weighed or measured.

(ii) Subject to the provisions of sub-rule (1) weighments and measurements of agricultural produce intended for sale, may be made through licensed weighmen or measurers anywhere in a notified market area.]

³[32. (1) Only such weighing instruments, as satisfy the requirements of, and such weights and measures as are prescribed by the Punjab Weights and Measures Act, 1941, and the rules made thereunder shall be used for weighing or measuring agricultural produce in a notified market area.

Use of weighing instruments weights and measures, their inspection and seizure.

(2) Every market committee shall keep in its office at least one weighing instrument of the capacity of one maund and two sets of weights and, in places where measures are used, two sets of measures also verified and stamped in accordance with the provisions of the Punjab, Weights and

¹Added by Punjab Government notification No. 1558-Agr., dated 23rd April, 1945.

²Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

³Substituted by Punjab Government notification No. 807-Agr., dated 6th March, 1946.

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Measures Act, 1941, and the rules framed thereunder. The Market Committee shall cause such weights and measures to be tested and verified once in the course of each calendar year through the agency appointed under and in accordance with the requirements of said Act and rules. Failing this the Deputy Commissioner shall take immediate action to have this failure made good.

(3) The Chairman of a market committee shall allow any person to check free of charge any weight or measure in his possession against the weights and measures maintained under this rule.

(4) Weighing instruments, weights and measures kept by a market committee under this rule may at any time be inspected, examined and checked by the Deputy Commissioner or by any other officer authorised by him in this behalf, or by an Inspector appointed under the Punjab Weights and Measures Act, 1941.

(5) Any member of a market committee, and any employee of a market committee authorised by it in this behalf, shall be entitled at any time and without previous notice to inspect, examine and test any weighing instrument, weight or measure used, kept or possessed within a notified market area by a licensee under section 6 or 9 of the Act, or used, kept or possessed by any other person for weighing or measuring agricultural produce within the limits of the notified market area, and every such licensee or other person in possession of any such weighing instrument, weight or measure shall, when required, be bound to produce the same before the person entitled so to inspect, examine and test it.

(6) If on examination any weighing instrument, weight or measure is found to be not in conformity with the Punjab Weights and Measures Act, 1941, and the rules made thereunder, it shall at once be seized and forwarded forthwith along with a report to the Inspector appointed under the Punjab Weights and Measures Act, 1941, within whose jurisdiction the notified market area lies. The report shall be in the following form:—

*Report of Seizure of weighing instrument/weight/measure at Rule 32(6)
of the Punjab Agricultural Produce Markets Rules, 1940*

Name, parentage, caste and residence of the person from whom the weighing instrument, weight or measure is seized	Description of the weighing instrument weight or measure seized	Date of seizure	Person by whom seized	Why seized	Person in whose presence seized
1	2	3	4	5	6

Signature of two witnesses—

1 _____

2 _____

Signature of the person
making report

Note—The report is to be signed by the persons in whose presence the seizure takes place.

(7) Before any agricultural produce weighed, in pursuance of a transaction of sale or purchase within a notified market area is removed from the place of its weighment, any member of the market committee, or any employee of a market committee authorised by it in this behalf shall with a view to satisfying himself that such weighment has been correctly made, be entitled at any time and without previous notice to check the weighment by means of weights and instruments owned by the market committee or by any other agency].

33. (1) A market committee may with the approval of the Deputy Commissioner, erect in the market a weigh-bridge for the weighing of agricultural produce on payment of such fees as may be prescribed by its by-laws. Weigh bridges, measuring yards and certificates of weighment or measurement

(2) In places where it is customary for any agricultural produce to be measured instead of being weighed, a market committee may with the approval of the Deputy Commissioner, specify a place within the market and make arrangements for the measuring of such produce on payment of such fees as may be prescribed by its by-laws.

(3) The market committee shall be responsible for maintaining such weigh-bridge or measuring yard in proper condition, and for issuing free of cost certificates of weighment and measurement, as the case may be, in such forms as may be prescribed by its by-laws.

(4) A certificate issued under sub-rule (3) above shall be accepted as final by all persons transacting business in the notified market area, unless it is proved, to the satisfaction of the Chairman of the market committee or his authorised representative that the weighment or measurement was done on a defective weigh-bridge or measuring yard or by means of an incorrect scale or weight or measure.

34. Every market committee shall with the approval of the Government prepare by-laws prescribing a list of trade allowances, which alone may be levied within the market area, and the scale thereof. Trade allowances.

35. (1) For the purpose of this and the following rules the agricultural produce market year shall commence on 1st April every year and end on 31st March, following. Budget

(2) A market committee shall annually hold a special meeting not later than ¹[31st January] to prepare and adopt the budget of income and expenditure for the ensuing year.

(3) The budget of the ensuing year shall be submitted to the Deputy Commissioner by ²[15th February] who shall have the power to return it for reconsideration on such lines as he may set out in his order, or to sanction the same with such modifications as he may consider proper.

The market committee shall be bound to regulate its expenditure in accordance with the sanctioned budget.

(4) No expenditure shall be incurred for which there is no provision in the budget unless it can be met by reappropriation from savings under other heads or by a supplementary grant from the available reserve sanctioned at a meeting of the market committee, and approved by the Deputy Commissioner.

36. (1) The accounts of a market committee shall be kept in such form and shall be audited in such manner as the Examiner of Local Fund Accounts, Punjab, directs. Accounts and audit.

¹Substituted for "10th January", by Punjab Government Notification No. 1107-Agr., dated 20th February 1947.

²Substituted for "15th January", by *ibid*.

(2) A market committee shall publish a statement of its assets and liabilities at the close of each year, with a balance sheet by the 30th April following, and shall furnish, on payment of such fee as may be fixed by it, a copy of the statement to any grower, or licensee, buyer or seller, within the notified market area applying for it.

(3) The Chairman of a market committee or any other member deputed by him for the purpose shall at the time of the audit cause to be produced all accounts, registers, documents and other papers which may be required by the audit officer for audit purposes and any explanation called for by him for the settlement of any discrepancy shall be immediately furnished.

(4) To meet the cost of the Local Fund Audit establishment, every market committee shall contribute annually to the State revenues such sum not exceeding 3 per cent of its total annual expenditure as may be determined by the Government in each case.

Receipts to be credited daily into the Government treasury, bank or co-operative society.

37. Except where the Government on application by a market committee otherwise direct, all receipts on account of fees recovered under these rules and all other item of income whatsoever, shall be daily credited in full into a Government treasury or sub-treasury, or into a bank or co-operative society approved by the Government, and shall not be withdrawn except in accordance with these rules.

Note.—An account with a treasury or sub-treasury shall be in the form of a personal Ledger Account

Remittances to a treasury, bank or co-operative society.

38. (1) All remittances under these rules to a treasury, sub-treasury or co-operative society shall be made and acknowledged in accordance with the rules of business of the treasury, sub-treasury bank or co-operative society, as the case may be.

(2) At the close of each month or at such shorter intervals as may be the practice, the treasury, sub-treasury, bank or co-operative society, as the case may be, shall in accordance with its rules of business either strike a balance in the pass book of the market committee or send a statement of account to it. The market committee shall compare such balance and statement of accounts with its own books.

¹[Refund of certain amounts.

38-A. (1) When—

- (a) any sum has been deposited for the grant of a licence which has not been in fact issued; or
- (b) a person has wrongly applied and paid for and been granted two or more licences of the same nature for the same notified market area; or
- (c) any market fee has been recovered in excess of the amount actually due; or
- (d) any market fee has been recovered on a transaction which is exempt under these rules; or
- (e) any money has been paid by mistake;

the Deputy Commissioner or the market committee, as the case may be shall, on a written application being made and after such enquiry as he or it may consider necessary, order the refund of the appropriate amount which shall be repaid to the person concerned out of ²[State] funds or the funds of the market committee, according as it was credited in the first instance to ²[State] funds or the market committee's funds.

¹Inserted by Punjab Government Notification No. 1999-Agr., dated 27th October, 1944.

²Substituted by Adaptation of Laws Order, 1950, for "Provincial".

(2) The powers conferred on a Deputy Commissioner by sub-rule (1) may also be exercised by such Gazetted Officer subordinate to him as he may appoint in this behalf.

(3) The application for refund shall contain such particulars as are necessary to enable the amount for which refund is claimed to be traced]

39. (1) All payments made by a market committee, except from imprest shall be made by cheques. Payment—
how to be
made.

(2) Every cheque drawn on behalf of a market committee shall be signed by the Chairman or if he is absent from the headquarters of the market committee or is, on account of illness or other circumstances, unable to perform his duties, by the Vice Chairman, or if both are absent or unable to perform their duties as stated above, by any two members of market committee, provided that no cheque shall be drawn except against a bill which has been examined and passed by the Chairman, or for the recoupment of an imprest, if any, and the Chairman, shall not pass any bill for payment without the previous sanction of the market committee, except—

- (a) for payment of the salary of the fixed establishment; or
- (b) for payment for works and repairs for which budget provisionⁿ has been made; or
- (c) for meeting urgent expenditure for which there is budget provision ¹[and] which does not exceed Rs 50:

Provided that in the absence of the Chairman from the headquarters of the market committee or in case of his inability on account of illness or other circumstance to perform his duties, bills for payment of the above nature may be passed and signed by the Vice-Chairman, or if both are absent, or unable to do so as stated above, by any two members of the market committee;

²[Provided further that where a market committee has ceased to function and a new committee has not been constituted, or if constituted the Chairman, or the Vice-Chairman as the case may be has not assumed office or the Chairman or Vice-Chairman having resigned or having died, no one has been elected to fill up the vacancy, the Deputy Commissioner or any gazetted officer appointed by him in this behalf, may pass any bills and sign cheques on behalf of the market committee.]

40. The balance shown in the balance sheet shall, after audit, be transferred to the reserve fund of the market committee, or be invested in such manner as may be approved by the Government. Surplus fund
—how to be
disposed.

³[40-A. Whenever it is found that any amount due to the market committee is irrecoverable or should be remitted or whenever any loss of the market committee's money or stores or other property occurs through the fraud, negligence of any person or for any other cause and such property or money is found to be irrecoverable, the fact shall be reported to the Deputy Commissioner who may order the amount or value of property to be written off as lost, irrecoverable or remitted, as the case may be, provided that if in any case the amount due or value of such property is in excess of Rs 100 such order shall not take effect without the approval of the Commissioner.] Writing off of
irrecoverable
and other
dues or losses

¹Substituted by Punjab Government Notification No. 1999-Agr., dated 27th October, 1944 for the word "or".

²Inserted by Punjab Government notification No. 2508-Agr., dated 19th July, 1946.

³Added by Punjab Government notification No. 2953-Agr., dated 21st August, 1946.

Officers and servants of the market committee, their remuneration, punishment, etc.

41. (1) A Market Committee may, subject to the following rules employ such officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to such officers and servants such duties as it thinks fit.

(2) The following persons shall not, without the previous sanction in writing of the Deputy Commissioner, be appointed as officers or servants of a market committee:—

- (a) A member of the market committee, his parents, descendants or the husband or wife of any such descendant.
- (b) A member's wife, her parents, or descendants, or the wife or husband of any such descendant.
- (c) The descendant of the parent of any member or his wife, or the wife or husband of any such descendant.

¹[(3) No person, who is a whole-time salaried official in the service of Government or a local body, or who has been dismissed from the service of Government or a local body, or who is a member of a local body, shall be appointed as an officer or servant of a market committee without the previous sanction of Government.

No person, who is an officer or a servant of a market committee shall (a) seek election to any local body, or (b) without the permission of the market committee seek employment elsewhere:

Provided that where the officer or servant is a Government servant on deputation with the market committee, the permission of the market committee shall not be sufficient for seeking employment elsewhere.]

(4) A market committee shall be competent to punish its officers and servants in accordance with the by-laws that may be framed in this connection, provided that ²the secretary shall not be dismissed without the previous sanction of the Deputy Commissioner and], no Government servant shall be punished except by the authority which would have been competent to do so if he were in Government service at the time, and otherwise than in accordance with the Civil Services (Classification, Control, and Appeal) Rules.

(5) If at any time in the opinion of the Deputy Commissioner—

- (a) the number of persons employed by a market committee, or the remuneration allowed to them or to any one of them is excessive, or
- (b) any such person is unfit for the post held by him, or
- (c) any punishment awarded to any such person is inadequate or excessive or uncalled for,

the market committee shall in accordance with the Deputy Commissioner's directions reduce the number or remuneration, as the case may be, dismiss the unfit person, or increase, reduce or remit the punishment awarded to any one of them:

³[Provided that an appeal shall lie to the Commissioner from the direction given by the Deputy Commissioner—

- (a) by an officer or servant concerned within 30 days of the communication of the order of Committee in accordance with the direction of the Deputy Commissioner;

¹Substituted by Punjab Government notification No. 1846-Agr., dated 11th May, 1945.

²Inserted by *ibid.*

³Substituted by Punjab Government Notification No. 7631-E-52/7610, dated 6th December, 1952.

(b) by the Market Committee within 30 days of the direction of the Deputy Commissioner, in the manner provided in sub-rule (1) of Rule 49.

The Government may, either of its own motion or on the application of the aggrieved party filed within 90 days from the date of the order passed by the Commissioner call for the record of any case decided by the Commissioner and may confirm, modify or set aside the commissioner's order, or pass such order as it may deem fit. The decision of the Commissioner in appeal shall otherwise be final.]

42. (1) A market committee may, and when required by the Deputy Commissioner shall, for the benefit of the persons using the market, exhibit in a suitable place outside its office, and at such other place or places as may be determined by it, bulletins of informations on such matters as the prices of agricultural produce, ruling at the principal marketing centres in the ¹[State] and the ports serving the ¹[State] and the stocks held by mills and the like. Publication of marketing information.

(2) Such bulletins shall be signed by the Chairman or other person as may be appointed by him in writing, and a copy of each such bulletin shall be kept for record in the office of the market committee.

43. (1) A market committee may arrange, when necessary, accommodation for the temporary storage or stocking of agricultural produce. Storage accommodation.

(2) The market committee shall charge such fees for such storage and stocking as may be prescribed by its by-laws.

44. (1) The Deputy Commissioner shall maintain separate registers in form "K" for each notified market area in his district of licences granted, renewed, suspended or cancelled under section 6 of the Act and of licences granted, renewed, suspended or cancelled by the market committee concerned under section 9. Registers to be maintained by a Deputy Commissioner.

(2) In order to keep the register "K" up to date every market committee shall promptly supply all necessary information to the Deputy Commissioner about the grant, renewal, suspension or cancellation of a licence granted under section 9 of the Act.

45. (1) Every market committee shall maintain the following registers:— Registers to be maintained by a market Committee.

²[(a) of sales and purchases of agricultural produce entered into within the notified market area in form J.]

(b) of licences, granted, renewed, suspended or cancelled under section 6 of the Act and granted, renewed, suspended or cancelled by the market committee under section 9 in form "K".

(2) In order to keep register "K" up to date the Deputy Commissioner shall promptly supply all the necessary information to the market committee concerned about the grant, renewal, suspension or cancellation of a licence under section 6 of the Act.

46. (1) A licence granted under section 6 or 9 of the Act shall be valid for one year from the date of its issue, and shall subject to any order passed under section 6 (2) of the Act or rule 23 (4) be renewable by the authority granting it, on payment of the fee prescribed for such licence. Renewal of a licence and the issue of a duplicate

³[Renewal application shall be made in form B-A or D-A as the case may be]:

¹Substituted by Adaptation of Laws Order, 1950, for "Province"

²substituted by Punjab Government Notification No. 548-Agr., dated 18th February, 1946

³Added by East Punjab Government Notification No. 3312-E, dated 18th August, 1948.

¹[Provided that in the case of a licence issued for any notified market area before the final date specified for that area under subsection (2) of section 4 the licence shall be deemed to have been issued on the date so specified.]

¹[(1-A) An application for the renewal of a licence shall be made at least seven days before the date on which the licence is due to expire:

Provided that the authority competent to renew a licence may, on the applicant's paying a penalty of one rupee in the case of a licence for a dealer or a warehouseman, or of four annas in the case of other licences, grant an application for renewal made within 30 days after the expiry of the licence. The authority competent to renew a licence, may remit the penalty if it is satisfied that the delay was unavoidable.

(1-B) Every renewal of a licence granted under this rule shall be deemed to take effect from the date following that on which the licence expired.

(1-C) Except as provided in sub-rule (1-A), every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for the grant of a fresh licence.]

(2) If a licence granted under section 6 or 9 of the Act, or renewed under sub-rule (1) above is lost, a duplicate may be issued by the authority which issued the original, on payment by the licensee of a fee of Re. 1.

(3) A fee paid for the renewal of a licence under section 6 of the Act, or for its duplicate, shall be deposited in accordance with the provision made in rule 6.

(4) A fee paid for the renewal of a licence under section 9 of the Act, or for its duplicate shall be paid to the market committee concerned.

Travelling allowance for member of a market committee.

47. If any member of a market committee has to undertake any journey in the interest, and under ¹and subject to the conditions prescribed by] the orders, of the market committee, he shall be paid travelling expenses out of the market committee's funds at a rate admissible under its by-laws.

Travelling allowance to market committee's officers and servants.

48. If any officer or servant of a market committee has to undertake any journey in the interest, and under ¹and subject to the conditions prescribed by] the orders of the market committee, he shall be paid travelling expenses out of the market committee's funds at a rate admissible under its by-laws:

Provided that if the officer or servant undertaking such journey is a Government servant, his travelling allowance shall not be less than what would have been admissible to him had he travelled on Government duty.

Appeals.

49. (1) An appeal under subsection (3) of section 6 of the Act may be preferred within thirty days of the date of the order appealed against, by means of a memorandum which shall be stamped with a court-fee of the value of rupee one. The memorandum shall be accompanied by a certified copy of the order appealed against and presented by the appellant personally or through a duly authorised agent.

(2) The result of an appeal preferred under sub-rule (1) shall be communicated to the appellant and the market committee concerned.

¹Inserted by Punjab Government Notification No. 1999-Agr., dated 27th October, 1944.

50. Government may by a notification alter any of the dates fixed in these rules.

Power of Government to alter dates fixed in these rules or to fix new ones.
Procedure for recovery of fee by a market committee.

51. A fee due to a market committee under the Act, or these rules or its by-laws shall, notwithstanding any penalty imposed under rule 52, be recoverable as arrears of land revenue through the Collector of the district within the boundaries of which the person liable to pay, resides, or within the boundaries of which the notified market area is situated.

¹[52. (1) Any person committing a breach of these rules shall, on conviction before a magistrate, be punishable with fine which may extend to Rs 200.

Penalty for breach of rules or of any condition of a licence.

(2) Any licensee committing a breach of the conditions of his licence issued under section 9 of the Act or under these rules shall, on conviction before a magistrate, be punishable with fine which may extend in the case of a weighman, measurer or surveyer to Rs 5, in the case of warehouseman to Rs 500 and in all other cases to Rs 200.]

²[53(1) The Commissioner or the Deputy Commissioner in the case of market committees within their respective charges, or any officer not below the rank of an Extra Assistant Commissioner appointed in writing by the Commissioner or the Deputy Commissioner in the case of market committees within the charge of the authority appointing him, or any officer appointed by the ³[State] Government in this behalf, by a general or special order, in the case of all the market committees in the ⁴[State], may—

Control by State Government, Commissioner and Deputy Commissioners.

(a) enter into, inspect and survey or cause to be entered into, inspected and surveyed, any immovable property occupied by any market committee or any work in progress under its direction,

(b) by order in writing, addressed to the Chairman or secretary call for and inspect or cause to be inspected any book or document in the possession or under the control of the market committee, and the Chairman or secretary, as the case may be, shall immediately comply with such order,

(c) by order in writing, addressed to the Chairman or secretary require the market committee to furnish within a specified period such statements, accounts, reports, or copies of documents in the possession or relating to the proceedings or duties, of the committee as he may think fit to call for,

(d) enquire generally into the affairs of the market committee with a view to ascertaining whether the same are being satisfactorily administered, and for the purposes of such enquiry make use of any property of the committee, and exercise the powers mentioned in clauses (a), (b) and (c) of this rule; and the members, officers and servants of the committee shall render such assistance in the enquiry as the persons making the enquiry may deem necessary.

(2) The officers mentioned under sub-rule (1) may record in writing for the consideration of any market committee such observations as he may think proper in regard to the proceedings, work or duties of the said committee.

¹Substituted by Punjab Government notification No. 3029-Agr., dated 6th May, 1947.

²Added by Punjab Government notification No. 3281-Agr., dated the 22nd May, 1947.

³Substituted by Adaptation of Laws Order, 1950, for "Provincial"

⁴Substituted by *ibid*, for "Province".

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(3) Every committee shall submit such reports, periodical or otherwise, to the Deputy Commissioner, the Commissioner or the ¹[State] Government as may be directed.]

Preservation of records ²[54. The records of the market committees shall be preserved for the periods noted against each in the schedule hereto annexed

SCHEDULE

No. of form	Description	Period
1	Budget ..	5 years.
2	General Cash Book ..	Permanently.
3	Establishment Bill .	35 years.
4	General Bills .	3 years.
5	Balance sheet .	10 years.
5-A	Ledger ..	10 years.
6	Register of Deposits ..	Permanently.
D	Application Form ..	3 years.
E	Licence Form ..	3 years.
HA	Returns of daily purchases and sales ..	One year after audit.
I	Receipts ..	3 years.
J	Register of sale and purchase of agricultural produce ..	10 years.
K	Register of Licences ..	10 years.
	P.F. Register ..	10 years or till all accounts to which it relates are closed.
	Service book of the employee ..	5 years after death or retirement (whichever is earlier).

¹Substituted by Adaptation of Laws Order, 1950, for " Provincial "

²Added by East Punjab Government notification No. 3327-E, dated 18th August, 1948.

No. of form	Description	Period
	Register of Proceedings of the Committee or Sub-Committee ..	Permanently.
	Register of correspondence ..	Permanently.
	Cheque Books ..	10 years.
	Pass Books ..	10 years.
	Travelling Allowance Bills ..	3 years.
	Lease deeds ..	10 years from the date they cease to have effect.
	Security Bonds ..	Ditto
	Treasury Chalans ..	3 years.
	Imprest Account Register ..	3 years.
	Attendance Register ..	1 year.
	Movable Property Register ..	10 years.
	Library Register ..	10 years.
	Demand and Collection Register ..	10 years.
	Register of Stamps ..	3 years.
	Stock Register ..	10 years.
	Register of Court Cases ..	10 years.
	Investment Register ..	Permanently
	Files about the appointment, removal and dismissal of em- ployees ..	35 years.
	Other record which the Com- mittee may decide to preserve (for more than three years) ..	Such period (not less than 10 years) as may be prescribed by the committee.]

THE PUNJAB AGRICULTURAL PRODUCE
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SCHEDULE

FORM A

Application for the grant of a licence for—

(a) setting up, establishing, or continuing or allowing to continue any place for the purchase and sale of agricultural produce

¹[and/or]
(b) purchase and sale of agricultural produce.

[Rule 6 (1) of the Punjab Agricultural Produce Market Rule, 1940]

In the office of the Deputy Commissioner—

Notified Market Area—

(Here give the name of the Notified Market Area as set out in the Government notification under section 4(1) of the Act.)

(a) (i) Name of the applicant with parentage, caste, residence and address in full

(ii) Particulars of the place for which licence is applied for.

(Here give the name or number of the street, *mohallah* or subdivision of the town where the place is situated, and its number or other description sufficient to identify it).

(b) If the applicant is a firm, is it a Hindu Joint Family firm or otherwise constituted, and has it been registered or not?

(c) If the applicant is a firm, give the names of all persons constituting it with parentage, caste, residence and address, in full of each

(ii) Name of the managing proprietor or manager of the firm

(d) Name or style under which the applicant will work

(e) Whether the applicant, or where the applicant is a firm, any member thereof whether singly or in collaboration with anybody else, holds a similar licence for any other notified market area ? If so, which?

¹Substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944, for the word "or".

(f) Has the applicant, or, where the applicant is a firm, has any member there of singly or in collaboration with anybody else been granted a dealer's licence, in any notified market area in the Province and has such licence been suspended or cancelled? If so, when, where and for what period?

Certified that the facts set out in the application are true to my knowledge except paragraph_____, which are true to my belief, being based on information supplied by_____

(Signature of the person making the verification with date and place of so doing).

(Signature of the applicant with date)

Notes.—

- (1) Column (a) (ii) need be filled only when a licence is required for setting up, establishing or continuing or allowing to continue any place for the purchase and sale of agricultural produce.
- (2) In case the application is made by a firm it may be signed by the managing partner only.
- (3) If the same person applies for two licences one for setting up, establishing or continuing or allowing to continue any place for the purchase and sale of agricultural produce and the other for the purchase and sale of such produce only one fee of Rs 10 shall be leviable.

Licence for { setting up, establishing or continuing or allowing to
continue any place for the purchase and sale of agri-
cultural produce
¹[and/or]
sale and purchase of agricultural produce.

[illegible]

(Signature of the officer issuing the licence
with designation.)

Notes—(1) Cross out the portions not required. (2) Column No. 3 is to be filled in only when the licence is required for setting up establishing or continuing or allowing to continue any place for the purchase and sale of agricultural produce. (3) Separate licences should be issued for (1) setting up, establishing or continuing or allowing to continue any place for the purchase and sale of agricultural produce and (2) for purchase and sale of agricultural produce.

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CONDITIONS OF THE LICENCE

The licence is granted subject to the following conditions :—

- (1) The licensee shall comply with the provisions of the Punjab Agricultural Produce Markets Act, 1939, the rules framed thereunder and the by-laws of the market committee constituted for the area mentioned in column No. 1 of the licence, for the time being in force.
- (2) The licensee shall not permit evasion of infringement of any of the provisions of the Act, the Rules and by-laws mentioned under (1) above and shall report in writing to the market committee any evasion or breach which comes to his knowledge.
- (3) The licensee shall surrender his licence, on demand, to the authority issuing or renewing it, or any authority competent to take action under subsection (2) of section 6 of the Act, or the market committee of the area for which the licence is available.
- (4) The licensee shall conduct his business honestly according to the principles of fair dealings.
- ¹[(5) The licensee shall be liable to have his licence cancelled—
 - (a) if he boycotts or encourages the boycott of any other licensee, or
 - (b) if he resigns from membership of the market committee for any reason which is not sufficient in the opinion of the Government to justify such resignation, or
 - (c) for any other cause which is sufficient in the opinion of the Government to justify such cancellation.]

¹Inserted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

**THE PUNJAB AGRICULTURAL PRODUCE
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B

(Second Leaf)

RENEWALS OF THE LICENCE

1	2	3	4	5	6
Date of renewal	Date from which renewal takes effect	Date of expiry	Fee paid	Remarks	Signature of the renewing authority with designation

ORDERS PASSED UNDER SECTION 6 (2) OF THE ACT

1	2	3	4	5	6	7
Serial No.	Date of the order	Nature of the offence	Substance of the order	Name and designation of the officer making the order	Signature of the officer making the order	REMARKS

¹[FORM B-A

Application for the renewal of licence for the sale and purchase of Agricultural produce

[Rule 46(1) of the Punjab Agricultural Produce Markets Rules, 1940]

In the office of the Deputy Commissioner, _____

- (1) Name of the notified market area for which the Licence has been issued _____
- (2) Name of the applicant (with full particulars of the place of business) _____
- (3) Name of the managing proprietor or the manager of the firm, if any _____
- (4) Number of licence _____
- (5) Date on which the licence expires _____
- (6) Year for which renewal is requested _____
- (7) Fee paid Rs _____
- (8) Has the applicant, or where the applicant is a firm, has any member thereof singly or in collaboration with any body else, been granted a dealer's licence, in any notified market area in the Province and has such licence been suspended, or cancelled; if so, when, where and for what period _____

Certified that the facts set out in the application are true to my knowledge except those in paragraph _____ which are true to my belief, being based on informatin supplied by _____

Signature of the person making the
verification with date and place
of doing so.

Signature of the
applicant

Date _____]

¹Form B-A added by East Punjab Government notification No. 3312-E., dated 18th August, 1948.

THE PUNJAB AGRICULTURAL PRODUCE
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Attestation by the Secretary of the Market Committee.

Date_____

Report by the office of the Deputy Commissioner

Date_____

Orders of the Deputy Commissioner

Date_____

¹FORM C

¹Omitted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

FORM D

**Application for the grant of a Broker's/Weighman's/Measurer's/
Surveyor's/Warehouseman's Licence.**

[Rule 23(1) of the Punjab Agricultural Produce Markets Rules, 1940]

In the office of the Market Committee_____

Notified Market Area _____

[Here give the name of the notified market area as set out in the Government notification under section 4(1) of the Act.]

- (a) Name of the applicant with parentage, caste, residence and address, in full _____
- (b) If the applicant is a firm, is it a Hindu joint family firm or otherwise constituted, and has it been registered or not ? _____
- (c) (i) If the applicant is a firm, give the names of all persons constituting it with parentage, caste, residence and address, in full, of each _____
- (ii) Name of the managing proprietor or manager who will actually conduct the business _____
- (d) Name or style under which the applicant will ply his trade _____
- (e) Does the applicant wish to be licensed as a broker/weighman/measurer/surveyor/or warehouseman ? _____
- (f) Has the licence, if any, granted previously to the applicant, or if the applicant is a firm, to any member thereof, singly or in collaboration with anybody else, for working as a broker, weighman, measurer, surveyor or warehouseman in this notified market area, been cancelled ? If so, when, and for what period ? _____

Certified that all the facts set out in the application are true to my knowledge except paragraphs_____, which are, true to my belief, being based on information supplied by_____

(Signature of the person making the verification with date and place of so doing.)

(Signature of the applicant with date).

- Notes.—(1) Licence to work as weighman, measurer or surveyor shall only be granted to individuals and not to firms.
(2) In case the application is made by a firm, it may be signed by the managing partner only.

¹[FORM D-A**Application for the renewal of a Broker's/Weighman's/Measurer's/
Surveyor's/Warehouseman's licence***[Rule 46(1) of the Punjab Agricultural Produce Markets Rules, 1940].*In the office of the Market Committee, _____
District_____.

- (1) Name of the notified market area for
which the licence has been issued _____
- (2) Name of the applicant (with full
particulars of the place of business) _____
- (3) Name of the managing proprietor or
the manager of the firm, if any .. _____
- (4) Number of licence _____
- (5) Date on which the licence expires _____
- (6) Year for which renewal is requested _____
- (7) Fee paid _____ Rs _____
- (8) Has the applicant, or where in the
case of a warehouseman the ap-
plicant is a firm, has any member
thereof, singly or in collaboration
with any body else, been granted a
licence for working as a broker,
weighman, measurer, surveyor or
warehouseman in any notified
market area in the Province and has
such licence been suspended or
cancelled. If so, when, where and
for what period _____

Certified that all the facts set out in the application are true to my
knowledge except those in paragraph_____ which are
true to my belief, being based on information supplied by_____

Signature of the person making the
verification with date and place
of doing so

Signature of the applicant
Date_____

Report by the Secretary of the Market Committee,_____

Date_____]

¹New Form D-A added by East Punjab Government notification No. 3312-B' dated 18th August, 1948.

FORM E.

Licence to a Broker/Weighman/Measurer/Surveyor/Warehouseman

[Rule 23(1) of the Punjab Agricultural Produce Markets Rules, 1940]

1	2	3	4	5	6	7	8	9
Notified market area for which the licence is granted	Number of the licence	Is the licence for working as a broker, weigh man measurer, surveyor or warehouseman.	Name, parentage, cast, residence and address of the licensee, with the name or style under which he is to work	Date on which the licence takes effect	Date on which the licence expires	Any additional condition under which the licence is granted	Fee paid	REMARKS

(Date and place of issue)

(Signature of the Chairman or other official of the market committee authorised to sign).

(Seal of the market committee)

Conditions of the licence.

This licence is granted subject to the following conditions :—

- (1) The licensee shall comply with the provisions of the Punjab Agricultural Produce Markets Act, 1939, the rules framed thereunder, and the by-laws of the market committee issuing the licence, for the time being in force.
- (2) The licensee shall not permit evasion or infringement of any of the provisions, rules and by-laws mentioned under (1) above, and will report in writing to the market committee any evasion or breach which comes to his knowledge.
- ¹(3) The licensee shall surrender his licence on demand to the market committee of the area for which the licence is available
- (4) The licensee shall conduct his business honestly according to the principles of fair dealings.]
- ²[(5) Where the licensee is a warehouseman he shall maintain the warehouse in such a way that the produce stored in the warehouse shall not be damaged by rain, damp, rodent, birds or insects.]

¹Inserted by Punjab Government notification No. 1999-Agr., dated 27th October 1944.

²Added by Punjab Government notification No. 1723-Agr., dated 4th May, 1946.

FORM F

Application for the sale, by Auction, of Agricultural Produce

[Rule 28(1) of the Punjab Agricultural Produce Markets Rules, 1940]

1. Market Committee
2. Name, parentage, residence, address
and licence No., if any, of the owner
of agricultural produce
3. Description of the agricultural produce
4. Approximate quantity of the agricultural
produce
5. Date on which sale by auction may be
held

I hereby apply for the sale, by auction, of the above-mentioned agricultural produce, according to the provisions of the Punjab Agricultural Produce Markets Act, the rules framed thereunder, and the by-laws of the market committee, mentioned at No. 1 above, and agree to abide by the same.

(Signature of the applicant)
Date

(To be filled by the committee's office).

1. Monthly serial number of the application
2. Auctioneer deputed

Signature of the member of the market
committee deputing the auctioneer
with date.

(To be filled by auctioneer.)

1. Date of auction
2. Time of auction : From to
3. Name, parentage, caste, residence,
address and licence No., if any, of
the buyer
4. Rate at which agricultural produce sold
5. Total sale price to be paid by the buyer

Signature of the auctioneer

Date

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FORM G

Auction Form

[Rule 28(4) of the Punjab Agricultural Produce Markets Rules, 1940]

Name of the Market_____

Auction of agricultural produce described in application No. _____
_____belonging to _____held on _____
at auction depot No._____.

*Name of the bidder, with
parentage, caste, residence
and licence number, if any.*

Bid made

*Signature of the bidder
whose bid is
accepted*

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Auction started at_____ a.m./p.m.
Auction closed at_____a.m./p.m.

Signature of the auctioneer _____

Signature of the broker, if any, with licence No._____

Signature of the seller_____

Signature of the buyer _____

Signature of the Committee's servant, if any_____

FORM H

FORM H

(RECEIPT COUNTERFOIL)

(RECEIPT FOIL)

[Rule 28 (B) of the Punjab Agricultural
Produce Markets Rules, 1940]

[Rule 28(B) of the Punjab Agricultural
Produce Markets Rules, 1940]

Notified Market Area _____

Notified Market Area _____

No. _____ Date_____

No. _____ Date_____

Name of the purchaser_____

Name of the purchaser_____

Name of the seller_____

Name of the seller_____

Nature and weight of the agricultural
produce purchased _____

Nature and weight the agricultural pro-
duce purchased _____

Total price assessed_____

Total price assessed_____

Signed_____

Signed_____

Purchaser

Purchaser]

¹Form 'H' substituted by Punjab Government notification No. 1999-Agr., dated 27th October, 1944.

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Return of daily Purchases and Sales

Date_____ Market Committee_____

Name of dealer_____

Number of licence_____

Serial No.	Commodities	PURCHASED		SOLD		REMARKS
		Total weight	Rate of purchase	Total weight	Rate of sale	
1	2	3	4	5	6	7

Signature of dealer].

1. Form 'HA' added by Punjab Government notification No. 1558-Agr., dated 23rd April, 1945.

FORM I

COUNTERFOIL OF RECEIPT

[Rule 29(6) of the Punjab Agricultural Produce Markets Rules, 1940]

Notified market area _____

Market Committee _____

Book No. _____ Receipt No. _____

Date of payment _____

Amount paid _____

Nature of payment _____

Name, parentage, caste, residence or licence No., if any, of the person
on whose behalf the payment is made _____

Name and designation of the person receiving payment _____

Signature of the person receiving payment _____

Initials of the checking authority with the date of so doing _____

FORM I

RECEIPT FOR MONEY PAID

[Rule 29(6) of the Punjab Agricultural Produce Markets Rules, 1940]

Notified market area _____

Market Committee _____

Book No. _____ Receipt No. _____

Date of payment _____

Amount paid _____

Nature of payment _____

Name, parentage, caste, residence or licence No., if any, of the person
on whose behalf the payment is made _____

Name and designation of the person receiving payment _____

Signature of the person receiving payment _____

FORM J
REGISTER OF SALE AND PURCHASE OF AGRICULTURAL PRODUCE
¹[Rule 30(2) of the Punjab Agricultural Produce Markets Rules, 1940]
Market Committee _____
Year _____
Month _____

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Date	Serial No.	² [Name, parentage, caste and address of the dealer submitting form H-A with the number of licence, if any]		Description of the agricultural produce sold	Quantity of agricultural produce sold	Where sold by auction, No. and date of the application of the seller	Fee chargeable by the market committee	Fee recovered with the No. and date of the receipt issued	From whom recovered	Balance of fee to be recovered	Date on which Collector moved for the recovery of the balance of fee	Date and amount of recovery of the balance of fee	Fee declared unrecoverable	REMARKS
		As seller	As buyer]											
Monthly total														

¹Substituted by Punjab Government notification No. 1558-Agr., dated 23rd April, 1945, for 'Rule 30(1).'

²Substituted by *ibid.*

FORM K**REGISTER OF LICENCES ISSUED UNDER SECTION 6 OF THE PUNJAB AGRICULTURAL PRODUCE MARKETS****SECTION 9
ACT, 1939 (ACT V OF 1939)**

[Rule 44(1) and Rule 45(1) of the Punjab Agricultural Produce Markets Rules, 1940]

Notified Market Area _____

Deputy Commissioner _____

Market Committee _____ Year _____

Date and month	Serial No.	GRANT OF LICENCES					RENEWALS			ORDER UNDER SECTION 6(2) OF THE ACT		REMARKS
		Name, parentage, caste residence and address of the licensee	Nature of the licence	Date from which the licence takes effect	Date on which the licence expires	Fee recovered	Date of renewal	Date from which the renewal takes effect	Date on which the renewed term expires	Fee recovered	Signature	
1	2	3	4	5	6	7	8	9	10	11	12	13

[THE EAST PUNJAB COTTON (STATISTICS) RULES, 1949.

RULES

1. *Short title.*—The rules may be called the East Punjab Cotton (Statistics) Rules, 1948.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(i) “Act” means the East Punjab Cotton (Statistics) Act No. XXIII of 1948.

(ii) “Form” means the form appended to these rules.

3. *Form of return under section 3 of the Act.*—(i) Every owner and every trader shall submit to the Director in accordance with section 3 of the Act a return in form ‘A’ hereto appended.

(ii) A copy of the form duly filled in shall also be sent to the “Officer-in-Charge of Cotton-Breeding Work and Marketing Officer” in the Department of Agriculture ²[Punjab].

4. *Exercise of the right of access, inspection and search under Section 4 of the Act.*—The officer authorised under Section 4 of the Act shall exercise the right of access, inspection and search conferred by that section during any time between sunrise and sunset.

Form A

(See rule 3)

To

The Director of Agriculture, Punjab,
Chandigarh.

I/We.....trader/owner hereby declare that I/we possessed the following stocks of cotton detailed below on 31st August, 19——according to the records maintained by me/us and that the same actually tally with the stocks on hand :—

(a) Full name and address of the trader or owner

(b) House No. _____ and complete address of the premises
where the cotton is stocked_____

¹ *Vide* East Punjab Government notification No. 123-Agr. dated 8th January, 1949.

² Substituted by Adaptation of Laws Order, 1950, for “East Punjab.”

(c) Stock per variety :—

Name of variety of cotton	Unginned (Kapas) lbs		Ginned Cotton and pressed lbs.		Full pressed bales (392 lbs of lint)		Premises where stored
	Old	New	Old	New	Old	New	
(A) American							
(1) 4F.							
(2) L.S.S.							
(3) 216 F							
(Haryana)							
(4) 289F/43							
(5) 199F							
(6) 124F							
(B) Desi							
(C) Others							
Total							
(D) Cotton Waste (Fly)							

Note 1.—Under 'others' should be included the stocks of cotton, if any from outside the State, specifying the quantity held under each variety.

Note 2.—No statistics need be given if stocks of cotton stored in any premises is less than 100 lbs. in weight.

I/We declare that the above information is true and correct.

Signature of trader or owner.

**¹[THE EAST PUNJAB AGRICULTURAL PESTS DISEASES AND
NOXIOUS WEEDS RULES, 1949.**

1. These rules may be called the East Punjab Agricultural Pests Diseases and Noxious Weeds Rules, 1949.

2. A plant quarantine leaflet in form 'A' containing the descrip-
Pest

tion and necessary instructions for the treatment of the Disease

notified under section 3 of the Act will be issued by the Agricultural Department for general distribution to the occupiers in the notified areas.

3. An Inspector appointed under section 10 of the Act shall possess a degree or diploma in Agriculture ²[unless he is a Naib-Tehsildar or a Tehsildar].

4. An inspector for purposes of inspection of any land or premises situated in the notified area shall issue a notice to the occupier in the form 'B' appended to these rules.

5. An inspector conducting an enquiry under section 5, may obtain the help of a Lambardar or any member of a local body such as Panchayat or Municipal Committee. He shall collect the information on form 'C'.

6. If after such inspection the Inspector finds that the occupier has not complied with the instructions, he shall issue a notice as given in form 'D' to the occupier asking him to carry out such prevention or remedial measure within the time specified in such notice.

7. The occupier may appeal against the notice served on him by the Inspector to the Extra Assistant Director of Agriculture of the notified area.

8. The Extra Assistant Director of Agriculture, having jurisdiction in the notified area is authorised to sanction the prosecution of the occupier under section 9 of the Act.

9. If the notified area includes a common land infested with
Pests
Disease all right-holders according to the revenue record will be held
Noxious Weed Pest

responsible for the eradication of the said Disease declared under Section 3.

10. If the notified area includes roads, canal and Railway siding the
Noxious Weed
Pest

responsibility of eradication of the Disease under section 3 will lie on the
Noxious Weed

departments concerned and they will be dealt with like other occupiers.

11. The inspector appointed under the Act, shall maintain registers, form 'E' and 'F'.

¹ *Vide* East Punjab Government notification No. 6640 Agr-49/5888, dated 2nd November, 1949.

² Inserted by Punjab Government notification No. 1591-Agr-53/3007, dated 30th May, 1953.

EAST PUNJAB AGRICULTURAL PESTS, DISEASES AND NOX-
IOUS WEEDS ACT, 1949

FORM 'A'

Plant Quarantine Leaflet.

1. East Punjab Government notification No. _____,
dated _____.
Pest _____
2. Name of the Disease _____.
Noxious Weed _____
3. Notified area _____.
4. Duration of the orders _____.
Pest _____
5. Description of the Disease declared under section 3.
Noxious Weed _____
6. Control measures.

EAST PUNJAB AGRICULTURAL PESTS, DISEASES AND NOX-
IOUS WEEDS ACT, 1949

FORM 'B'

Notice

No. _____

Pest _____

Whereas it appears that Disease _____ premises
_____ exists in your _____
Noxious Weed _____ land

in village _____, tehsil _____, district _____,

son of _____, are hereby informed that under section 5 of the

East Punjab Government Agricultural Pests, Diseases and Noxious

Weeds Act, 1949, the _____ premises
Pest _____ land will be inspected on _____ to see

whether the said Disease actually exists and whether the remedial

Noxious Weed

measures under section 3 have been duly complied with.

(Sig) Inspector
Area
Date

FORM 'C'
Enquiry

Date of enquiry	Name of Pest/Disease/Noxious Weed	Place of inquiry Vill. Teh. Distt.	Field/Khasra No./Premises No.	Name of occupier	Instructions under section 3 carried out or not	REMARKS

Sig : of Lambar dar or
any member of local
bodies.

Sig :
Date
Area

Inspector

EAST PUNJAB AGRICULTURAL PESTS, DISEASES AND NOXIOUS WEEDS ACT, 1949

FORM 'D'

Notice _____ No. _____
Land
After inspection of _____ of _____
Premise
son of _____, village _____,
tahsil _____, district _____.
Pest _____

I am satisfied that Disease declared under section 3, exists and
Noxious Weed

necessary remedial measures have not been carried out. He i, therefore,
informed of this and under section 6 and is required to comply with
the instructions within _____ days after the receipt of this
notice.

Otherwise legal action will be taken against him.

EAST PUNJAB AGRICULTURAL PESTS, DISEASES
AND NOXIOUS WEEDS RULES

FORM 'E'

Register (The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949).

*List of persons to whom the notices have been issued under section
5 or 6 of the Act*
Pest _____

1. Name of the Disease _____
Noxious Weed _____
2. Date and number of the Government notification _____
3. Full address of the occupier _____
4. Date of issuing notice _____
5. Time-limit up to _____
6. Inspection Note _____
7. Action taken after inspection _____
8. Any appeal _____
9. Result of appeal _____
10. Final orders on appeal _____
11. Any cost incurred to carry out the control measures _____
12. Recovery of the cost incurred _____
13. Remarks _____

FORM 'F'

(The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act 1949).

List of persons convicted under Section 9 of the Act.

1. Date and number of Government notification _____
Pest _____
2. Name of Disease under Section 3 _____
Noxious Weed _____
3. Full address of the persons convicted _____
4. Details of punishment _____
5. General Remarks _____

THE EAST PUNJAB CONSERVATION OF MANURE RULES, 1949

1. These rules may be called the East Punjab Conservation of Manure Rules, 1949. Short title.

2. The size of the pit shall be sufficient to hold the collection of manure obtained over a period of 2 to 3 months. The size of the pits.

The depth of the pit in all cases shall be 3 feet on one side and $3\frac{1}{2}$ feet on the other and the width shall vary from 3 to 7, and length from 15 to 30 feet, according to the requirements of the individual cultivator and the number of animals maintained by him.

3. (a) The pit shall be filled up from shallower end (where the depth is less) and daily collections shall be evenly deposited over a small length of 2 to 3 feet till the level of manure reaches a height of $1\frac{1}{2}$ to 2 feet above the ground level. The manure shall then be covered with a 1 to 2 inch layer of dry earth. This process shall be continued till the entire pit is filled up from one end to the other. Process of manure conservation.

(b) The manure shall not be used earlier than 2 months from the date that the pit was completely filled, except with the permission of the Manure Conservation Committee.

4. The Committee shall maintain record and registers pertaining to the quantity of manure pitted or utilised by each householder of the village in Form M-I. Maintenance of record and registers by the Manure Conservation Committee.

The Committee shall also maintain a cash book in Form M.II.

The Chairman of the Committee shall be responsible for the due maintenance of the prescribed record and register.

5. The funds of the Committee shall be kept in the custody of the Chairman, who will deposit the same in the nearest Co-operative Bank or the Post Office Savings Bank. Fund of the Committee.

6. Government may transfer land acquired by it for the purpose of pitting manure to the Manure Conservation Committee on the same conditions under which it has been acquired. Transfer of land by Government to Committee.

7. The Committee shall not charge rent exceeding Re. 1 per annum for a piece of land measuring 625 sq. feet, or fraction thereof. Rents to be charged.

8. The quorum necessary for the transaction of business of a Committee shall be one-half of the number of members of the Committee actually serving at the time, but shall not be less than 3 : Quorum for meetings.

Provided that if at any ordinary or special meeting of the Committee a quorum is not present, the Chairman shall adjourn the meeting to such other day as he may deem fit and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting whether there be a quorum present or not.

9. All summons issued by the Committee shall be signed by the Chairman of the Committee. Issue of summons.

¹ Vide East Punjab Government notification No. 19-FP-49/24, dated 30th August, 1949

FORM M-I

Village _____ Tehsil _____ District _____

[illegible]

FORM M-II

Cash Book of the Manure Conservation Committee of _____ year-

Cash Book of the Manure Conservation Committee of _____ year—

Note.—Every entry must be signed by the Chairman also.

¹THE PUNJAB IMPROVED SEEDS AND SEEDLINGS RULES,
1950

- Title** 1. (1) These rules may be called the 'Punjab Improved Seeds and Seedlings Rules', 1950.
- (2) These shall come into force at once.
- Definitions.** 2. In these rules, unless there is anything repugnant in the subject or context :—
- (a) 'Form' means the form appended to these rules.
- (b) 'Agricultural Assistant' means an Agricultural Assistant on District work in whose jurisdiction the area to which the Act applies lies for general agricultural extension work including fruits and other crops.
- Application for use of own seed or seedlings.** 3. An occupier who is required to use the improved seeds or seedlings produced on his own farm shall apply to the Agricultural Assistant in Form 'A'.
- Issue of a certificate to use own seed or seedlings.** 4. The Agricultural Assistant shall issue a certificate in form 'B' to the occupier mentioned in rule 3 above after satisfying himself about the purity, genuineness, etc., of the seeds and seedlings.
- Production of certificate on demand.** 5. The certificate issued under rule 4 above, shall be produced on demand by any officer of the Departments of Agriculture and Revenue.
- Information regarding authorised Agents.** 6. The Extra Assistant Director of Agriculture shall notify for the information of the public through the local press, the names and addresses of authorised agents from whom improved seeds or seedlings can be had. A list of such agents shall also be conspicuously displayed in the offices of the Agricultural Assistant, Tehsildar, Mukaddams and Konungos concerned.
- Prosecution.** 7. (1) It shall be the duty of every officer mentioned in section 5 of the Act to inform the Deputy Commissioner of the District in form 'C' as soon as he comes to know of the commission of any offence under the Act.
- (2) On receipt of such information, the Deputy Commissioner or the officer specially authorised by him in this behalf shall institute a complaint against the offender.

¹ *Vide* by Punjab Government notification No. 7929-Agr-50/133, dated the 8th January, 1951.

FORM A

(See Rule 3)

Application for use of own seeds or seedlings.

I _____, son of _____, of village _____,
 zail _____, tehsil _____, district _____,

wish to use my own improved seeds and seedlings and request that
 a certificate may be granted to me for the purpose.

I certify that the improved seeds and seedlings have been grown
 on my own land and are pure genuine and true to type and conform
 full to the variety to be grown in the controlled area. The sample
 of the seed is enclosed.

Dated :

Applicant's signatures.**FORM B**

(See Rule 4)

Certificate for use of own seeds and seedlings.

I certify that the _____ (sample of which has been retained
 seeds
 seedlings

by me) presented by _____, son of _____, of village _____,
 zail _____, tehsil _____, district _____,

is of improved variety, and he is permitted to sow this _____ in his
 own land. seed
 seedling

Agricultural Assistant.**FORM C**

(See Rule 7)

(Report of an offence committed)

1. (a) District.
 (b) Tehsil.
 (c) Zail.
 (d) Village.
 (e) Survey No.
2. Name of owner, occupier or person in charge of the land or
 seed agency _____.
3. Particulars of offence _____.
4. Any other remarks _____.
5. Station _____.

Dated _____

Signature of the reporting officer.

FOREST RULES

Rules regarding the registration of Timber Depots under section 3 of the Punjab Forest (Sale of Timber) Act, 1913 (III of 1913).

1. In these rules—

(i) "Timber" includes only the following kinds :—Deodar (*Cedrus deodara*), vernacular deodar, diar, Blue-Pine (*Pinus excelsa*), vernacular kail, ander, anander, biar, Chir pine (*Pinus longifolia*), vernacular chil, Spruce (*Picea Morinda*), vernacular tos, partal, Silver fir (*Abies Pindrow*), vernacular vai, partal.

(ii) "Depot" means any building or place where timber is brought or stored for sale.

2. No person shall establish or maintain a depot unless it is registered in accordance with these rules.

3. Any person wishing to establish or maintain a depot shall register the same in the office of the Forest Division in which the depot is situated, and shall give in respect of such depot such details in regard to origin of timber as may be required by the Conservator of Forests. Every person registering a depot shall be and remain responsible for the observance of all rules which may from time to time be notified by the Punjab Government under section 3 of the Punjab Forest (Sales of Timber) Act, 1913, provided that the Divisional Forest Officer, with the approval of the Conservator, may exempt by order in writing any timber dealer from the operation of such rules as he may consider necessary. Each depot registered under this rule shall be assigned a number by the registering officer. In the case of persons having depots at the date of the publication of these rules a period of six months from such date will be allowed within which the depots existing on such date shall be registered.

4. The Officer-in-charge of a Forest Division may refuse registration at discretion for reasons which shall be stated in writing, but an appeal against an order refusing registration shall lie to the Deputy Commissioner. No owner of a depot, in the following mandis, in existence at the time of the introduction of these rules, shall be refused registration :—

Beas, Phillaur, Ferozepore. * * * *

5. Every person having a registered depot shall register his sale hammer-mark in the office of the Forest Division in which the depot is situated.

No fee shall be paid for the registration of the sale-hammer-mark.

6. No person shall be allowed to register a mark already registered in favour of another person, nor any mark used by Government, and the Officer-in-charge of a Forest Division may refuse registration of any mark which in his judgment so closely resembles a mark used by Government or registered in favour of any person as to be easily altered to counterfeit such mark.

7. The registration of a mark under rule 6 shall hold good for a period of three years from the date of such registration.

1. P.C. Notification No. 1436, dated 12th January, 1923, as amended by notification No. 14696, dated 11th May, 1927.

2. Places now in Pakistan are omitted.

8. The owner or person in charge of a registered depot may at the discretion of the Divisional Forest Officer be required to maintain correctly either or both of the following forms :—

(i) A register of receipts of timber, showing—

- (1) Date of receipt.
- (2) Whence received.
- (3) Name of person from whom received.
- (4) Species.
- (5) Marks.
- (6) Number of logs or pieces.
- (7) Description.
- (8) Remarks.

(ii) A register of sales and removals of timber, showing—

- (1) Date of sale.
- (2) Date of removal of timber from depot.
- (3) Name of person to whom sold or made over.
- (4) Destination.
- (5) Species.
- (6) Marks.
- (7) Number.
- (8) Description.
- (9) Remarks.

9. Every owner or person in charge of a registered depot shall produce the above registers for scrutiny when called upon to do so
* 1 * * by the Divisional Forest Officer or a gazetted officer deputed by him. Such official may at any time between sunrise and sunset enter a registered depot for such purposes.

10. No timber shall be removed from any registered depot until it has been marked with the registered sale-hammer of the owner of the registered depot.

11. Sale-hammer marks shall be surrendered to the Divisional Forest Officer on the cancellation of any registration or on decease of the owner of the mark in whose name it has been registered.

12. No timber shall be removed from any registered depot unless accompanied by a form of receipt approved by the Conservator of Forests.

13. Whoever infringes any of these rules shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both. Double penalties may be inflicted where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or if the offender has been previously convicted of any offence under these rules.

¹The words and brackets "(in cases arising out of theft of timber)" omitted by P. G. notification No. 1137-Ft-54/457, dated 3rd May 1954.

¹Rules describing the Tracts to which the Punjab Forest (Sale of Timber) Act shall apply

1. The tract lying on each side of the Ravi River within a 10 mile limit from the bank of the river at highest flood level except the tract as does not fall within the State of Punjab.

2. The tract lying on each side of the river Beas within a 10 mile limit from the bank of the river at highest flood level from Nadaun to its junction with the Sutlej River at Hari Ka Pattan.

3. (a) The tract lying on each side of the Sutlej River within a 10 mile limit from the bank of the river at highest flood level except such portion as falls within the territory of the State of Himachal Pradesh from Handola to Ferozepore.

(b) The tract lying on each side of the Sirhind Canal within a 10 mile limit from the bank of the canal from the Headworks of the canal to a point 5 miles below Doraha.

4. (a) The tract lying on right bank of the Jamna River within a 10 mile limit from the bank of the river at highest flood level from the point at which the river enters the territory of the State of Punjab to the point it leaves the territory of the State of Punjab except such portion as falls within the State of Delhi territory.

(b) The tract lying on each side of the Western Jumna Canal within a 10 mile limit except such portion as does not fall within the State of Punjab from the bank of the canal from the Headworks of the canal to a point five miles below Jumanagar.

FOREST RULES

A. ²Rules Prescribing Powers of Forest Officers

**General
Powers**

1. The Chief Conservator of Forests and all Conservators, Deputy Conservators, Assistant Conservators, Extra Assistant Conservators, Forest Rangers, Deputy Rangers, Foresters and Forest Guards are appointed to do all acts and exercise all powers that are prescribed by the Act, or by rules made under it, to be done by a Forest Officer or by any Forest Officer.

2. The Forest Officers mentioned in the first column of the following schedule shall exercise the powers under the sections of the Act

¹Substituted by Punjab Government notification No. 1123-Ft-54/219, dated 4th March, 1954, in supersession of notification No. 17415-Forests dated 14th June, 1923 as amended by Punjab Government notification No. 14697-Forests, dated 11th May, 1937. The Act shall extend to the tracts the limits of which are described in the notification and shall come into force in the said tracts with effect from the date of this notification.

²Vide Punjab Government notification No. 22890, dated 26th September, 1923

mentioned in the second column of the same opposite each class of officers, respectively :—

Class of officers empowered	Section of the Act under which powers are given	Brief description of nature of powers conferred
I.—All Deputy Conservators, Assistant Conservators and Extra Assistant Conservators. when in charge of Forest Divisions.	20	To publish translation of notifications of reserved forests.
	25	To notify seasons during which the kindling, etc., of fire is not prohibited.
	45	To notify depots for drift timber, etc.
	60	To direct release of property seized
	82	To take possession of and sell forest produce for Government use.
I.—All Deputy Conservators, Assistant Conservators and Extra Assistant Conservators	46	To issue notice to claimants of drift timber, etc.
	47	To decide claims to drift timber, etc.
	50	To receive payments on account of drift timber, etc.
III.—All Deputy Conservators, Assistant Conservators and Extra Assistant Conservators, Forest Rangers, Deputy Rangers and Foresters when specially authorized in that behalf by the Chief Conservator of Forests or Conservators of Forests	25	To permit acts otherwise prohibited in reserved forests.
	33	To permit acts otherwise prohibited in protected forests.

3. The Chief Conservator of Forests and Conservators of Forest are empowered to exercise all or any of the powers conferred in the following schedule.

4. The Chief Conservator of Forests and Conservators of Forests are empowered, under section 24 of the Act, with the previous sanction of the Commissioner of the Division, to stop ways and water courses in reserved forests, subject to the provisions of that section.

Powers to compound offences.

5. ¹All officers of the Forest Department of a rank not inferior to that of Probationary Extra Assistant Conservator are invested with the powers described in section 67 of Act VII of 1878.

Powers to compel attendance of witnesses, to issue search warrants and to record evidence.

6. ²Forest Officers serving in the Punjab are invested with powers under section 71 (b), (c) and (d) of Act VII of 1878 as described in the following schedule :—

Class of officers empowered	Section of the Act under which powers are given	Brief description of powers conferred
I.—Conservators of Forests and all Divisional Forest Officers, provided that such officers hold <i>substantive</i> rank not lower than that of Assistant Conservator of Forests or Extra Assistant Conservator of Forests, and that they have passed the prescribed tests in Forests Law and in Urdu by the Higher Standard	71 (b)	Powers of a Civil Court to compel the attendance of witnesses and the production of documents
II.—Conservators of Forests ..	71 (c)	Power to issue a search warrant under the Code of Criminal Procedure. * * *
III.—Conservators of Forests and all officers of and above the rank of Assistant Conservator of Forests or Extra Assistant Conservator of Forests; provided that they have passed the prescribed tests in Forests Law and in Urdu by the Higher Standard	71 (d)	Power to hold an enquiry in Forest offences, and in the course of such enquiry to receive and record evidence

7. These powers shall be exercised within the circle or division, as the case may be, to which an officer is posted from time to time.

Powers under section 71 (c) of the Indian Forest Act, 1878, can be given to Forest Officers not below the rank of Assistant Conservator of Forests or Extra Assistant Conservator of Forests by *name* with the sanction of the Punjab Government, provided that such officers are in charge of a Forest Division [*vide* Conservator's No. 1265, dated 2nd June, 1913, and Punjab Government No. 333 (Forests), dated 5th August, 1913].

¹Punjab Government notification No. 92, dated 26th February, 1913.

²Punjab Government notification No. 423, dated 14th October, 1913.

³Omitted by Punjab Government notification No. 2479-Ft-55/1603, dated 17th June, 1955.

8. ¹All Forest Officers of and above the rank of Forester are appointed to be public prosecutors within the limits of the Forest Division in which they are serving in respect of cases in which the Forest Department is the complainant.

Powers of Forest Officers to be Public Prosecutors under section 492 of the Criminal Procedure Code, Act V of 1898.

9. ²All Forest Officers not below the rank of Range Officers shall, when preferring any complaint of an offence under section 9 of the Punjab Wild Birds and Wild Animals Protection Act, 1933, be deemed to be public officers for the purpose of subsection (1) of section 29-A of the Court Fees Act, 1870, as amended by the Court Fees (Punjab Amendment) Act, 1939.

Powers of Forest Officers to be Public Officer under section 29-A of the Court Fees Act, 1870, as amended by the Court Fees (Punjab Amendment) Act, 1939.

10. ³Forest Officers of a rank not inferior to that of Extra Assistant Conservator, serving in the Punjab, shall, from the date of this notification, exercise the powers mentioned in subsection (1) of section 68 of the Indian Forest Act, in respect of offences under the Punjab Land Preservation (Chos) Act, 1900.

B (a) Appointment of rakhas and others in the Kangra District to be Forest Officers

1. ⁴All rakhas or village forest watchmen in the Kangra District are appointed to do all acts and exercise all powers that are prescribed by Act VII of 1878 or by the Rules made under it to be done or exercised by a Forest Officer or by any Forest Officer.

2. ⁵All kotwals, negis, village headmen, village watchmen and all lambardars of Phatis, in the Kangra District, are appointed to be Forest Officers within the meaning and for the purposes of sections 64 and 78 of Act VII of 1878.

3. ⁶All forest rakhas in the Kangra District are appointed to be Forest Officers within the meaning and for the purposes of sections 64 and 78 of Act VII of 1878.

4. ⁷All Forest Officers employed by Co-operative Forest Societies in Kangra District are appointed to be Forest Officers within the meaning and for the purposes of sections 52, 56, 57, 64, 66 and 79 of the Indian Forest Act, 1927.

5. ⁸All rakhas employed by Co-operative Societies in the Kangra District are appointed to be Forest Officers within the meaning of and for the purposes of sections 64, 66 and 79 of the Indian Forest Act, 1927.

¹ Punjab Government notification No. 183, dated 7th April, 1914.

² Punjab Government notification No. 8564-J-39/43762, dated 20th December 1939.

³ *Vide* Punjab Government notification No. 1285-Ft., dated 30th April 1940.

⁴ Notification No. 86, dated the 7th February, 1900.

⁵ Notification No. 589, dated the 4th December, 1900.

⁶ Notification No. 425, dated the 6th October, 1908.

⁷ Notification No. 2743-Ft., dated the 26th September, 1941.

⁸ Notification No. 2744-Ft., dated the 26th September, 1941.

(b) Appointment of lambardars and others of the Hoshiarpur District to be Forest Officers

6. ¹All lambardars and village watchmen of the Punjab, Lohara and Dhruvi Tappas, in the Hoshiarpur District, are appointed to be Forest Officers within the meaning and for the purposes of sections 64 and 78 of Act VII of 1878.

7. ²All rakhas in the service of Village Forest or Reclamation Co-operative Societies registered under the Co-operative Societies Act, II of 1912, in the Hoshiarpur District shall be appointed to do all acts and exercise all powers that may be done and exercised by a Forest Officer under the Indian Forest Act, 1927, or under any rule made thereunder.

8. All rakhas in the employment of Court of Wards estates in Hoshiarpur District shall be appointed to do all acts and exercise all powers that may be done or exercised by a Forest Officer under the Indian Forest Act, 1927, or under any rule made thereunder.

³Appointment of rakhas in Revenue District as Forest Officer

9. In exercise of the powers conferred by subsection (2) of section 2 of the Indian Forest Act, XVI of 1927, the Governor of the Punjab is pleased to appoint the rakhas employed by landlords for the protection of their private lands notified under section 38 of Indian Forest Act in the revenue districts specified in the schedule hereto annexed to do anything required by this Act or any rule made thereunder to be done by a Forest Officer:—

SCHEDULE

Serial No.	Revenue district	Executive Forest and Soil Conservation charges
1	Gurdaspur ..	..
2	Kangra ..	Kangra Forest Society Division
3	Hoshiarpur ..	Hoshiarpur Forest Division
4	Ambala ..	Ambala/Gurgaon Soil Conservation Division
5	Gurgaon ..	Ditto

¹ Notification No. 165, dated the 27th March, 1901.

² Notification No. 3859-Ft., dated the 14th September, 1940.

³ Notification No. 4092-Ft., dated the 31st December, 1941

C. PAYMENT OF REWARDS

¹Rules regulating the payment of rewards to certain Revenue, Police and Forest Officers

1. All Revenue Officers below the rank of Tahsildar and all Police Officers up to and including Inspectors, all Forest Officers below the rank of Extra Assistant Conservators and Forest Office Clerks and messengers, as well as persons who are not public servants are eligible for rewards under these rules.

2. On conviction of an offender, or on directing the confiscation of property under section 56, the Magistrate by whom the case has been decided is authorised to grant such reward and in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the property confiscated, or the conviction of the offender; provided that the total amount of the reward shall not exceed the estimated value of the property confiscated *plus* the amount of any fine imposed.

3. If in any case the fine and the proceeds of the property confiscated cannot be immediately realized, the Magistrate deciding the case shall at once pay the reward (provided that it does not exceed Rs 100). If in any case the Magistrate considers that more than Rs 100 should be distributed as rewards, he shall distribute Rs 100 at once, and shall submit his recommendation for a larger reward, through the Conservator of Forests concerned, for the orders of the Punjab Government, giving reasons for the same.

4. In case the Magistrate has not at his disposal a fund out of which the reward can be paid, or in the case of an order of confiscation where by law the Forest Officer takes charge of the property, the Forest Officer of the Division shall on requisition furnish the Magistrate with the necessary funds.

5. In any case the rewards shall be paid within the limit and under the sanction provided in rule 6, even though the fine may not have been realized. In cases in which the Forest Officer has furnished the funds under the rule, the fine on recovery shall be paid over to him.

6. If after payment of the reward the conviction is reversed in appeal, the amount paid away in reward shall not be recovered from the persons to whom it has been paid unless it shall appear that they have acted fraudulently in the case.

7. In cases where, under section 67 of the Indian Forest Act, a Forest Officer has accepted a sum of money as compensation for any damage which may have been committed, the Conservator of Forests concerned may authorise the payment of a portion of the amount realized (not exceeding three-fourths) as a reward to any person or persons who may have contributed to the discovery of the offender.

¹Vide Punjab Government notification No. 22890, dated 26th September, 1923.

D. SHOOTING, HUNTING AND FISHING RULES

¹General rules regarding shooting, hunting and fishing in Reserved and Protected Forests, under section 25(i) and section 31(i) of Act, VII of 1878.

1. The setting of snares and traps, the use of small-mesh nets to catch, or of dynamite to destroy fish, and the poisoning of water, are prohibited.

2. Hunting or shooting with elephants and with large parties of beaters is prohibited.

3. The Conservator of Forests may declare and publicly notify any Reserved or Protected Forest or portion of such forest to be altogether closed against hunting, shooting and fishing for such periods as may be necessary when it is desirable in his judgment so to close such forest or portion of a forest.

²Rules to regulate shooting and hunting in all Reserved and Protected Forests of every class in the Kangra District under Clause (j) of Section 32, Clause (d) of Section 76 and Clause I (i) of Section 2 of the Indian Forest Act, 1927.

1. These rules shall be called "Rules for the regulation of shooting and hunting in the forests of the Kangra District."

These rules shall apply to all reserved and protected forests of every class in the Kangra District.

In these rules the term 'big game' denotes the following species of mammalia:—

Sl. No.	English name	Scientific name	Kangra name	Kulu name
1	2	3	4	5
1	Himalayan Ibex ..	Capra sibirica ..	Tangrol ..	Katrol. Tangrol (Spitl). Skin (Lahaul).
2	Tahr ..	Hemitragus .. Jemlaicus ..	Kart .. Meshi (F) ..	Kart Korth (M.) Bakri (F.)
3	The Great Tibetan Sheep or Nyan or Argali, misnamed Ovis ammon by sportsmen	Ovis, hodgsoni .. (Ovis ammon hodgsoni)	..	Nian.

¹Vide Punjab Government notification No. 76, dated 7th May, 1891.

²Vide Punjab Government notification No. 530 Ft., dated 27th May, 1939.

Sl. No.	English name	Scientific name	Kangra name	Kulu name
1	2	3	4	5
4	The Blue Wild Sheep or Bharal	<i>Ovis nahura</i> .. (<i>Pseudois nahoor</i>)	..	Miatu.
5	The Himalayan Goat Antelope or Serow	<i>Nemorhaedus bubalinus</i> (<i>Capricornis sumatrensis</i>)	Goa ..	Yamu. Emu.
6	Goral ..	<i>Cemes goral</i> .. (<i>Nemorhaedus goral</i>)	Pij Ban Bakri Ghorur	Ban Bakri. Gurrar. Ghoral. Ghurrar. Gudh.
7	*	*	*	*
8	Hog Deer ..	<i>Cervus porcinus</i> .. (<i>Hyelaphus porcinus</i>)	Para ..	..
9	Barking Deer or Muntjac	<i>Cervulus muntjac</i> .. (<i>Muntiacus muntjak</i>)	Kakar ..	Kakar.
10	Musk Deer ..	<i>Moschus moschiterus</i>	Kastura .. Taunsa. Bina.	Bina, Kastura Raonwi (F.) Ranwhin (F.)
11	Blue Bull and Nilgai	<i>Boselaphus Tragocamelus</i>	Nilgai, Bangal, Rauj	..
12	Brown Bear or Snow Bear	<i>Ursus arctos isabellinus</i>	Brahbo Lagru	Rotta Bhalu. Rata Balu. Bhird. Brabhu.

NOTE.—Names given in brackets in column 3 are latest classification taken from Lydekker's Fauna.

2. The setting of the Jul or Jhal net or any other traps, nets or snares is absolutely prohibited. Provided that this rule does not apply to the trapping of musk deer, or the snaring of goshawks and sparrow-hawks, which are governed by rule 7, or to the trapping and snaring of otters against which there is no restriction.

3. The driving and killing of big game in snow is absolutely prohibited.

4. The shooting of big game is absolutely prohibited, except under a licence to be granted by the Divisional Forest Officer. Provided that no officers, British or Gurkha, serving with any Gurkha Regiment stationed for the time being in Dharamsala, shall be required to take out a licence under this rule, except for the purpose of shooting big game in the Kulu Sub-

* Entry relating to "Spotted Deer" omitted by Punjab Government notification No. 1313-Ft., dated 11th July, 1944.

Division or Bara or Chota Banghal. Such officers will, however, be subject to the prohibitions and restrictions contained in the provision to Rule 6 below, and will not be entitled to shoot big game in areas closed to sport by the Conservator of Forests.

5. The Conservator of Forests may, at his discretion, grant a fixed number of free licences every year to enable
Free Licences serving riflemen and non-commissioned officers of any Gurkha Regiment stationed in Dharamsala to shoot big game in the Kangra District, excluding Bara and Chota Banghal and the Kulu Sub-Division. These licences will be issued in the name of the Commanding Officer of the battalion concerned and will be subject to the conditions mentioned in rule 6.

6. *Big game licences.*—The following licence fees will be charged:—
 Rs

Kulu	..	(a) 30 (for animals other than brown bear).
		(b) 40 (for one brown bear in addition to other animals)
Lahaul	..	30
Spiti	..	30
Bara Banghal	..	30
Chota Banghal	..	30
Rest of Kangra	..	5

Except for the Kangra District, these fees include a deposit of Rs 10 which will be refunded when the licensee returns his licence, duly completed, to the Divisional Forest Officer.

The holder of any of these licences will be permitted to shoot big game in any forest not closed to sport by the Conservator of Forests subject to the periods mentioned in Schedule III of the Punjab Wild Birds and Wild Animals Protection Act, 1933, provided that the licensee does not kill (a) more than the numbers of animals specified below or (b) immature specimens or, (c) females other than she-bears or, (d) she-bears with cub or cubs.

- | | |
|--|--|
| (1) Ibex or Tangrol (<i>Capra sibirica</i>) | 1 (Kulu and Chota Banghal. No head to measure less than 30"). |
| | 2 (Lahaul and Bara Banghal. No head to measure less than 30"). |
| | 3 (Spiti. No head to measure less than 30"). |
| (2) Nyan Ovis hodgsoni (<i>Ovis ammon hodgsoni</i>) | 1 (Minimum head 38"). |
| (3) Bharal (<i>Ovis nahura</i>) (<i>Pseudois nahoor</i>) | 2 (Kulu and Lahaul. Minimum head 20"). |
| | 4 (Spiti. Minimum head 20"). |

- (4) Goral (Cemes goral) *Nemorhaedus* ¹3 (with minimum length of goral) horn 4 inches), 1313-Ft., dated 11th July, 1944
- (5) Tahr and Kart (*Hemitragus jemla- 2* (Minimum head 10").
icus)
- (6) Serow or Yamu (*Nemorhaedus* 1 (No limit).
bubalinus (*Capricornis sumat-
rensis*))
- (7) Barking deer (*Cervulus muntjac* ²2 (With minimum length of
(*Muntiacus muntjak*) horn 4 inches, including pedi-
celi)
- (8) Brown bear (*Ursus arctos isabelli- 1* (except in Bara Banghal where
nis) 2 may be shot only when
without cub or cubs)
- (9) ³Hog deer (*cervus pornicus*) (*Axix* 1 (With minimum length of
axis) 12 inches) .

7. The shooting of musk deer, both male and female, is prohibited, and no such animal may be taken except as provided by the terms of the Forest Settlement, or under licence of the Assistant Commissioner, Kulu Sub-Division. Musk deer, hawks The taking or snaring of goshawks and sparrow-hawks is prohibited except under terms of the Kulu and Kangra Forest Settlements and in the case of the Kulu Forest Settlement under licence of the Assistant Commissioner, Kulu. All such licences issued for the trapping and snaring of musk-deer or of goshawks and sparrow-hawks shall specify the kind of trap or snare to be employed other than the *jul*, which is prohibited by rule 2, and the manner in which it is to be set.

8. Licences to shoot big game will remain in force for twelve months from 1st January of the year of issue and are not transferable. Every licence must be returned to the office of issue within a fortnight of the date of its expiry or earlier and the licence-holder must endorse upon it the number and kind of big game killed. The Conservator of Forest may (a) in the case of residents of Kulu other than officials, issue a family licence to cover shooting by all members of the family of the holder residing in his house, and (b) in the case of officers travelling on duty, issue a temporary permit for a period not exceeding 30 days on payment of Rs 5. The number of animals which may be killed under a family licence is restricted to the number fixed in rule 6.

Special permission as to licences

¹Substituted by Punjab Government notification No. 1313-Ft., dated 11th July, 1944.

²Substituted by *ibid*.

³Substituted by *ibid*.

9. Applications for licences should be sent by registered post to the Divisional Forest Officer, Kulu, or to the Divisional Forest Officer, Kangra Forest Division¹[or to the Divisional Forest Officer, Kangra Forest Societies Division], according to the locality in which it is proposed to shoot. Applicants for a shooting licence in Kulu should state whether they require either an (a) licence or a (b) licence mentioned in rule 6.

The Conservator of Forests may at his discretion limit the number of licences to be in force at any one time.

NOTE.—Bara Banghal and Chota Banghal are in Kangra²[Forest Societies] Division; Lahaul and Spiti are in Kulu Division. All forests lying west of Bhanghal are in Kangra Division.

10. All holders of licences to shoot big game in Kulu and Lahaul must employ a *shikari* registered on the list of *shikaris* maintained in the Divisional Forest Office at Kulu. A copy of this list will be sent to each person with his licence. The Divisional Forest Officer, Kulu, may at his discretion refuse to enter any name on this register, and may strike off any name therefrom. No man not so registered may be employed as a *shikari*. The yearly registration fee is Re 1, in exchange for which a badge and certificate will be issued.

11. Breaches of these rules are punishable under section 26(i) and 33 of Act XVI of 1927.

12. Nothing in these rules shall be deemed to interfere with the recorded "sporting rights" of the Rai of Rupri within the limits of his own jagir.

13. Nothing in these rules shall prevent the destruction of any brown bear known to be a sheep killer, either in defence of property or life or with the written permission of the Divisional Forest Officer.

14. A list of forests closed to all sport by the Conservator of Forests shall be published in the official gazette, and a copy attached to all licences issued. Copies shall also be hung up in the offices of the Deputy Commissioner and the Divisional Forest Officer.

15. A licence may be cancelled at any time by the officer granting it, or by the Conservator of Forests. Any breach of the Forest Act, or of any rule made under the Act, if committed by the holder of the licence or any of his retainers or followers, shall render the licence liable to cancellation. Licences are liable to be declared invalid in regard to any particular forest or in case of interference with forest work.

16. The holder of a licence is not exempted from liability under the Forest Act or any other law for anything done in contravention of such Act or law, or for any damage caused by him, his retainers or followers.

NOTE.—Sections 26(1)(i) and 33(1)(h) of the Forest Act prescribe penalties for breach of these rules, and section 68 of that Act empowers the Divisional Forest Officer to compound any such breach on payment of a sum of money.

¹Inserted by Punjab Government notification No. 660-Ft., dated 13th March, 1944.

²Inserted by *ibid.*

FOREST DEPARTMENT, PUNJAB.

No. of

IN consideration of payment of Rs. _____ permission is hereby granted to _____ to shoot big game within the Government forests Kulu of _____ for the period of twelve months from the _____ subject Kangra to the conditions noted on the reverse.

(Signature)

Dated the 19 . *Divisional Forest Officer,* *Division*

NOTE.—In the case of a family permit enter names of all members of the family

(To be filled in by licence-holder)

I certify that the number of big game shot by myself between the and the has been and that I have strictly carried out the conditions attaching to this licence.

Dated *the* 19 . (*Signature*)
 Reverse

Conditions under which this licence is issued.

- (1) This licence can only be used by the persons named therein.
- (2) This licence must be produced on the demand of any Forest Officer or Police Officer or Magistrate.
- (3) It is valid only for the forest area entered therein.
- (4) The holder shall not shoot more than the specified number of animals, viz:—
- (5) He will not shoot the female of any species except red bear.
- (6) He will not shoot in any area closed to sport by the Conservator of Forests.
- (7) No refund of fees will be granted except in special circumstances (including "recall from leave") to be determined by the Conservator of Forests.
- (8) The holder of this licence is personally responsible for any infringement of its conditions or of the Indian Forest Act or rules made under this Act, and in the event of any such infringement in addition to forfeiting the licence renders himself liable to penalties under the Forest Act or any other Act that may be in force.

NOTE.—If any forest or shooting rule has been infringed this is to be stated on the margin.

¹Rules to regulate the hunting and shooting in the Kalesar Reserved Forest in the Ambala District under Clause (i) of Section 26 and Clause (d) of Section 76 of the Indian Forest Act, 1927.

These rules may be called "Rules to regulate hunting and shooting in the Kalesar reserved forest in the Ambala District".

Definition

1. (1) In these rules the term "big game" denotes the following species of animals:—

(1) Tiger	..	Felis tigris.
(2) Leopard	..	Felis pardus.
(3) Sambhar (cervus unicolor)	..	Rusa unicolor.
(4) Chital (cervus axix)	..	Axix axis
(5) Barking Deer or Kakar (cervulus muntjac)		Muntiacus muntjak.
(6) Goral (cemus goral)	..	Memorhaedus goral
(7) Pig	..	

- (2) In these rules the term "small game" denotes the species mentioned in the schedule to rule 2 of the "Punjab Forest s Small Game Rules".

2. The shooting and hunting of big game and game birds in the Kalesar reserved forest is prohibited except under licence to be granted by the Divisional Forest Officer, Simla Forest Division, subject to the following provisions:—

(i) The total number of animals shot within each calender year by all licensees shall not exceed:—

Tigers	2
Sambhar (Male only)	5
Chital (Male only)	5
Barking Deer (Male only)	5
Goral (Male only)	5

(ii) Licences shall be of three kinds, viz:—

(a) A licence granted on payment of a fee of Rs. 30 (thirty only) for shooting one tiger and the game noted below :—

² [Sambar (Male)	One	(minimum length of horn 30 inches)	} No stag with horn invelvet may be shot]
Chital (Male)	One	(minimum length of horn 30 inches)	
Barking Deer (Male)	One	(minimum length of horn 4 inches including pedicel)	
Goral (Male)	One		
Pigs	Without limit.		
Leopards	Without limit.		
Small Game	Without limit		

¹Vide Punjab Government notification No. 536-Ft., dated 27th May, 1939.

²Substituted by Punjab Government notification No. 1314-Ft., dated 11th July, 1944.

Subject to the periods mentioned in column 5 of Schedule III of the Punjab Wild Birds and Wild Animals Protection Act.

(b) A licence granted on payment of a fee of Rs.15 (fifteen only), for shooting the above game with the exception of tiger.

(c) A licence granted on payment of a fee of Rs. 5 (five only), for shooting small game only.

NOTE.—For the purpose of this rule an animal wounded counts as an animal shot.

3. Licences in forms (a) and (b) shall not be issued for a period longer than one week, and not more than one license of each kind shall be granted to any person during one calendar year. Licences in form (c) shall be valid for one year from the date of issue subject to the above-mentioned periods.

4. No application for a licence shall be considered more than one month before the period for which the licence is required.

5. The driving of game is absolutely prohibited, except tigers and leopards.

6. A report of all big game wounded or killed shall be made by the licence-holder to the Forest Ranger in charge of the Kalesar, Reserved Forest before leaving the forest and the licence, duly endorsed thereon with the game shot, shall also be returned by the licence-holder by post to the Divisional Forest Officer, Simla Forest Division, Simla as soon as possible after he has left the forest.

7. No game may be shot during the period from half an hour after sunset to half an hour before sunrise, neither may game be shot from any wheeled vehicle.

NOTE.—Names given in brackets in paragraph 1 are latest classification taken from Lydekker's Fauna

¹Rules to regulate the hunting and shooting of and the setting of traps and snares for the Capture of Small Game in the Punjab under Clause (j) of Section 32 and Clause (d) of Section 76 of the Indian Forest Act, 1927.

1. These rules shall be called the "Punjab Forests Small Game Short title and Rules, 1939". They apply to all reserved and protected forests of every class in Punjab (other than those in which special sporting rights have been recorded under the Forest Settlements).

2. In these rules the term "small game" denotes the following Definitions. species :—

Serial No.	Scientific name	English name	Vernacular name	Period during which the shooting of game under licence is permitted
1	2	3	4	5
1	Crocopus Phoenicopeterus	The Green Pigeon	Kandel, harrial, kokla, latta, nilsar guggu, गया	15th September to 15th March.
2	Sphenocercus sphenrus ..	The Wedge tailed Green Pigeon		

¹Vide Punjab Government notification No. 534-Ft., dated 27th May, 1939.

Serial No.	Scientific name	English name	Vernacular name	Periods during which the shooting of game under licence is permitted
1	2	3	4	5
3	<i>Columba livia</i> ..	The Blue Rock Pigeon	Kabutar	15th September to 15th March
4	<i>Columba rupestris</i> ..	The Blue Hill Pigeon		
5	<i>Columba penas</i> ..	The Eastern Stock Pigeon or Dove	Salara kabutar Kamarkular	
6	<i>Columba leuconota</i> ..	The white bellied or Snow Pigeon	Bhusli, bujul, Bhujrirapia, charan, luku	
7	<i>Dendrotreren hodgsonii</i> ..	The Speckled Wood Pigeon	Kamlowa, Chittal Kabutar	
8	<i>Streptopetia</i> ..	Rufous Turtle Dove	Kamlowa, Chittal Kabutar, Laber	
9	<i>Columba palumbus</i> ..	The Eastern Wood Pigeon or Ring dove	Dhond, kabutar	
10	<i>Streptopelia Chinensis</i> ..	The Indian Spotted dove	Ghugi, fakhta, tottru, chhota fakhta	
11	<i>Streptopelia decaocto</i> ..	The Indian Ring dove	Ghuggu, fakhta, ghaggii, panduk, geyrra	
12	<i>Pavo cristatus</i> ..	The Common Peafowl	Mor, manjhr, bodar	15th September to 1st March
13	<i>Gallus bankiva</i> ..	The Common Red Jungle fowl	Jangli murgbi, ban kukar, kukar	
14	<i>Catreus wallichit</i> ..	The Chir Pheasant	Chir chrihi, chaman, chair	1st October to 15th March
15	<i>Cereornis macrolophus</i> ..	The Pukras or Koklas Pheasant	Koklas, Khwakta, phokras, plachh, khwakah	

Serial No.	Scientific name	English name	Vernacular name	Periods during which the shooting of game under licence is permitted
1	2	3	4	5
16	<i>Gennaeus hamiltoni</i> ..	The White-crested Kali	Kosle, halij, kalesha	1st October to 15th March
17	<i>Lophophorus impejanus</i> ..	The Impeyan Pheasant or Monal	Monal, karrari, nil, bod, narel, neroala, nilwal	
18	<i>Tragopan melanocephalus</i>	The Western Horned Pheasant	Phulgar, jaji jijurana, jowar	
19	<i>Perdicula asiatica</i> ..	The bush quail	Lowal, lawa, batol, batoli, choonuk	15th September, to 15th March
20	<i>Arborophila torqueola</i> ..	The Hill Partridge	Piora, pimra, pahari titar, ban titar	
21	<i>Alectoris graeca</i> ..	The Chukar or Chikor	Chukor, chukra, chakur, khonk, kaunk kakh, chahru	
22	<i>Ammoperdix griseogularis</i>	The See-see Partridge	Sisi, sasi, sussi, kakki, chaukla	1st November to 1st March,—vide Government Notification No. 430-C., dated 2nd February, 1937
23	<i>Francolinus francolinus</i> ..	The Black Partridge	Kala titar, koddititar	
24	<i>Francolinus pondicerianus</i>	The Grey Partridge	Titar, titur, bagga titar, patila	
25	<i>Tetraogallus himalayensis</i>	The Himalayan Snow Cock	Golind, golaund, lip lipya	1st October to 15th March
26	<i>Tetraogallus tibetanus</i> ..	The Tibetan Snow Cock	Golind, golaund, gourkagu	
27	<i>Lerwa lerwa</i> ..	The Snow Partridge	Ram chakru, ram chukor, tillu, dhedu, chakru	

Serial No.	Scientific name	English name	Vernacular name	Periods during which the shooting of game under licence is permitted
1	2	3	4	5
28	<i>Turnix dussumieri</i> ..	The little Button Quail	Lawa, chhota Lawa	15th September to 1st March
29	<i>Turnix maculatus</i> ..	The Indian Button Quail		
30	<i>Scolopax rusticola</i> ..	The Wood Cock	Simkukri, jalakri, jul kukri, smukukri	15th September to 15th March
31	<i>Capella nemoricola</i> ..	The Wood Snipe	Burra chaha Sumkukri chaha, Jalakri	15th September to 1st April
32	<i>Capella solitaria</i> ..	The Eastern Solitary Snipe		
33	<i>Capella gallinago</i> ..	The Common or Fantail Snipe		
34	<i>Capella stenura</i> ..	The Pin-tail Snipe	Chah, jalakri	
35	<i>Capella media</i> ..	The Great Snipe		
36	<i>Lymnocyptes minima</i> ..	The Jack Snipe	Chota chaha	15th September to 31st March
37	<i>Rostratula bengalensis</i> ..	The Painted Snipe	Rangila chaha, chabarcha	
38	<i>Lepus ruficaudatus</i> ..	The Common Indian Hare	Khargosh, seru pharru, susya sasa, seha, saiyah sahu	
39	<i>Lepus hypsibius</i> ..	The Upland Hare	Ditto	

3. The snaring, trapping and netting of small game is prohibited.

4. The shooting of small game is prohibited except as provided for in rule 6 and in column 5 of the schedule to rule 2.

5. No person shall destroy or take the eggs or nests of any small game without the written permission of the Divisional Forest Officer concerned.

6. A licence, for which the sum of Rs. 5 will be charged will permit the holder to shoot small game in any forest not closed to sport by the Conservator of Forests subject to the seasons mentioned in column 5 of rule, 2. This licence shall be valid for the period 15th September to 15th March. Such licence may be granted by the Divisional Forest Officer of the division in which the licensee intends to shoot.

7. Any person, who holds a licence to shoot big game in the Kangra District shall be entitled to shoot small game, in the forests within this area, without a small game licence subject to the seasons mentioned in column 5 of rule 2.

8. The Conservator may, from time to time, limit the number of small game licenses to be issued ¹[and the maximum number of each kind of game to be shot by the holder of a licence in one day], and may from time to time prohibit shooting in any particular forests or the shooting of any particular kind of small game for a period not exceeding three years with the concurrence of the Deputy Commissioner.

9. Shooting of roosting birds is strictly prohibited.

10. The holder of a licence under these rules may use dogs for the purpose of flushing and retrieving birds and hares.

11. Nothing in these rules shall be deemed to interfere with the recorded sporting rights of jagirdars within the limits of their own jagirs.

12. A licence may be cancelled at any time by the officer granting it, or by the Conservator of Forests. Any breach of the Indian Forest Act, 1927, or of any rule made thereunder if committed, by the holder of a licence or by any of his retainers or followers, shall render a licence liable to cancellation. Licences are liable to be declared invalid in respect of any particular forest in the case of fire breaking out in any part thereof or in the case of interference with forest work.

13. The holder of a licence is not exempted from liability under the Forest Act or any other law for anything done in contravention of such Act or law, or for any damage caused by him, his retainers or followers.

¹Added by Punjab Government notification No. 679-Ft., date d 6th March, 1941.

E. RIVER RULES

¹Rules regulating launching, collection and rafting of timber and the registration of timber property marks, under section 41 of Act XVI of 1927.

1. Unless there is anything repugnant in the subject or context the word timber used in these rules shall be deemed to refer to the timber of deodar, kail, chil, spruce and silver fir and not to timber of other trees. Other words used in these rules and defined in the Indian Forest Act, 1927, shall be deemed to have the meanings respectively assigned to them by the said Act.

2. No person having launched his timber, or set it afloat on any river, shall collect the same, except—

(a) with the permission, in writing, of the Forest Officer in charge of the Forest Division ;

(b) at the places which such officer may publicly notify as places at which such collection shall ordinarily be made.

3. No person shall raft, or otherwise convey, any timber which has been collected on any river without first obtaining a pass from the Forest Officer in charge of the Forest Division in which such river is situate, or from such subordinate Forest Officer as the officer-in-charge of the Forest Division may authorize in that behalf.

Such pass shall show the number of logs or pieces, the kind of timber, the marks indicative of the owner's property therein, the place of its destination, and the time for which it shall remain in force. It may specify that the timber may be stopped for examination at certain places to be named in the pass, and the Forest Officer may require the measurements of the timber (when such is practicable) and its estimated value to be entered.

No pass shall be issued for any unmarked timber, or for such timber as bears a mark not registered as hereinafter provided :

Provided, that when any person having timber in transit on a river, at the date of the publication of these Rules, applies for a pass for such timber within six months from such date, such pass may be granted, though the marks on such timber have not been registered.

Any Forest Officer may require any person rafting or conveying timber as aforesaid, to produce the pass for the same at any time. No person shall be entitled to raft or convey timber by virtue of a pass which he does not himself hold, but which is, or is stated to be, in the hands of some other person.

In the event of the pass not being produced, the Forest Officer may detain the timber.

¹Vide Punjab Government notification No. 340, dated 19th August, 1879, as amended by :—

No. 158, dated 7th April, 1890.

No. 184, dated 14th February, 1903.

No. 97, dated 25th February, 1904.

No. 1694-C, dated 21st May, 1928.

No. 4149-C, dated 10th December, 1937.

RIVER RULES

In the event of the time mentioned on the pass as that for which it shall remain in force having expired before arrival at its destination of the property covered by the pass, the Forest Officer in charge of the division may extend the period during which the pass shall be further valid for such time as he may think proper at a charge not exceeding 25 per cent of the fees chargeable under Rule 5.

Any right-holder in the Kangra District, who has obtained timber for the construction of his house or farm buildings in accordance with his rights thereto under the Kangra and Kulu Forest Settlements or cut it in his own land may convey such timber by a direct route across the Beas river and its tributaries without a pass.

4. No person is permitted to deposit any timber for which a pass has been applied, but not yet issued, so close to the water's edge so as to endanger its being carried away by a rise in the river before the pass is issued.

¹[5. For the issue of the pass a fee not exceeding four annas for each log or piece of round timber and two annas for each sawn or axe cut scantling may be levied on such rivers and at such places as the Chief Conservator of Forests may from time to time direct.]

6. (1) No person shall, without the written permission of the Forest Officer in charge of the division,—

- (a) cut up, move, conceal, mark or alter or efface any mark on any timber while in transit or adrift on any river, or while stranded on any bank or island of any river, or
- (b) saw or cut up timber or burn timber for the manufacture of charcoal, bricks, lime or surki on any river used for floating purposes, or on any island of such river, or at any place on either bank of the main stream of such river which is within a distance of three miles from such bank at its cold season level, provided that the permission required shall be assumed to have been given if a man applies by a registered letter (acknowledgment due) addressed to the Divisional Forest Officer concerned and receives no orders within one calendar month from the date of the receipt of the acknowledgment certificate of the registered letter.

This Rule 6(1) (b) shall not apply to any areas which are within the limits of any Municipality or Cantonment, nor to any pieces of unmarked, unsawn timber which are less than two feet in girth and four feet in length, provided that no person shall cut up timber in order to reduce it below this size. And it shall not apply to any areas on the downstream side of the following places :—

Jagadhri on the Jumna River.

Harika at the junction of the Sutlej and Beas Rivers.

¹Substituted for rule 5, by Punjab Government notification No. 31, dated 6th January, 1942.

RIVER RULES

(3) Once a building has been constructed, or is so far constructed that the wood cannot be examined without dismantling, then no inspection of the wood shall be made except by order of a magistrate duly empowered, nor shall any house be searched except on the authority of search warrant duly signed by a Magistrate.

8. In the case of persons having at the date of the publication of these Rules timber in transit on any river, a period of six months from such date shall be allowed within which the timber marks existing at such date on such timber in transit may be registered.

Subject only to the provisions of Rule 10 the Forest Officer shall, during such period, be bound to register all such marks as owners of timber can show to his satisfaction to have been already made use of and put on their timber previously to the publication of these Rules ; but no such owner shall be entitled to register any new or additional marks without the special permission of the Forest Officer.

9. In the case of persons not having, at the date of the publication of these Rules, timber or other forest produce in transit on any river marked with several different marks, the registration of one mark only shall be permitted, unless permission be given for any special reason to register more than one.

10. No person shall be allowed to register a mark already registered in favour of another person, nor any mark used by Government ; and the Forest Officer may refuse registration of any mark which in his judgment so closely resembles a mark used by Government or registered in favour of any person, as to be easily producible by altering such marks.

11. Every registration under these Rules shall hold good for three years following the 1st of January next after the date of registration.

A certificate, showing the marks registered, the date of registration, the period for which it holds good, and acknowledging the payment of the fees, shall be given to every person registering his mark or marks.

¹Places now in Pakistan—omitted.

RIVER RULES

11-A. (1) Notwithstanding anything contained in the foregoing rules—

- (a) temporary property marks, for special consignments of timber to be transported by water, may be registered by the Forest Officer in charge of the Division to which the control of the river pertains, or, with the written permission of such Forest Officer, by the River Range Officer ;
- (b) such registration shall be made under such conditions as the Conservator of Forests may from time to time direct ;
- (c) a fee of eight annas shall be payable for every separate mark so registered ;
- (d) every such registration shall hold good for three months only from the date of the registration ; and
- (e) no temporary property mark is required for any timber of a right-holder in the Kangra District which is used in such circumstances or conveyed in such a manner as shall exempt such right-holder from the necessity of obtaining a pass under rule 3.

(2) Rule 10, and the second paragraph of Rule 11, of the foregoing rules shall have effect in the case of every registration made under this rule.

12. Any person infringing any provision of these Rules shall be punished with imprisonment of either description, which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

¹Rules under section 41(f) and (g) of Act VII of 1878 for the prevention and removal of any obstruction in the rivers.

1. No person, other than an authorized officer of Government, shall close or obstruct the channel of any river used for the transit of timber, except under and in accordance with the conditions of a special license permitting the erection of a boom, weir or irrigation *band*. Such license may be issued by the Deputy Commissioner or the Divisional Forest Officer permitting the erection of a boom, weir or irrigation *band*.

Prohibition of obstructions in rivers and licences for booms or weirs.

2. (1) Any Forest Officer may prevent any acts likely to cause obstruction on the banks or in the channel of any river used for the transit of timber or other forest produce and the Divisional Forest Officer may cause to be removed any obstruction which has not been erected or caused by or with the permission of an authorized officer of Government under the authority of a special license.

Prevention and removal of obstructions on banks and in the channel of a river and recovery of cost thereof.

(2) The cost of such prevention or removal may be recovered by the Divisional Forest Officer from the person causing the obstruction by proceedings under section 81 of the Act as if the amount were an arrear of revenue.

¹Vide Punjab Government notification No. 14548, dated 9th May, 1921

RIVER RULES

3. Where the whole or partial removal of any irrigation or water mill *band* has been ordered by the Divisional Forest Officer under the provisions of these rules, that officer shall safeguard the interests of the right-holders as far as possible. No irrigation or water mill *band* may be opened for a period exceeding twelve hours during any one day.

Regulations regarding interference with irrigation *bands*.

4. The owner or the contractor in charge of the timber in transit shall before the expiry of the period of twelve hours mentioned in the next preceding rule,—

(i) insure a flow of water into any irrigation or water mill channel breached under these rules by closing the breach in a manner sufficient for this purpose.

(ii) at his own expense make all necessary repairs to irrigation or water mill channels to which damage due to his timber operations has been caused.

5. The amount of compensation due on account of any loss incurred by the interference with the customary rights of irrigation or of water mills shall be assessed by the Deputy Commissioner and shall be paid by the owner of the timber or the floating contractor to the person concerned.

Compensation to be paid to right holders for damage done to *bands* or for loss due to shortage of water.

RAFTING PASS

_____ Depot

Date of issue _____ 19 ____.

Date of expiry* _____ 19 ____.

Property Mark :—

Fees payable†

Rs _____ as. _____ pies _____
(Rupees _____)

Date of payment _____ 19 ____.

Signature of Officer receiving payments

{ (Name) _____
(Rank) _____

1	2				3			4					5		6	7
Name of owner	NO. AND DESCRIPTION OF TIMBER				ESTIMATED VALUE			RAFTING FEES PAYABLE					DEPOTS AT WHICH FEES PAYABLE AND TIMBER TO BE EXAMINED		Depots where pass will be given up and timber passed out	REMARKS
	Kind	No.	Dimen-sions	Cub con-tents	Rs	A.	P.	Rate	Unit	Amount			Name of Depot	Signature of Examining Officer		
										Rs	A.	P.				

*For periods of renewal, if any, see overleaf

†For detailed calculation see column 4.

Signature of Issuing Officer

{ Name _____
Rank _____ Depot _____

RIVER RULES

FOREST RULES

RIVER RULES

¹Rules regulating the collection of drift timber and payment of salvage fees under section 51 of the Act VII of 1878

1. Whenever on any river, owing to flood or otherwise timber has passed the place or all the places where it would ordinarily be caught and brought under control, or has after being brought under control, broken loose, and is consequently adrift or stranded below the Forest Officer in charge of the Forest Division in which such river is situate may, instead of collecting such timber himself, under section 45 of Act VII of 1878, grant permission in writing to the owner or owners to collect such timber.

2. The permission shall specify the kind of timber, the marks it should bear, the destination or manner of the disposal when collected and the time for which such permission shall hold good.

3. No person, shall, without such permission, cut up, remove conceal, burn, mark, or efface or alter any mark or marks on or sell or otherwise dispose of any such timber.

4. The Forest Officer in charge of the Division may authorize zaildars, lambardars, or other respectable persons to salve timber which is adrift at any point on the river below the last catching place, and may cancel such authority.

For every log salvaged and taken to any drift timber depot notified by the Forest Officer under section 45 of the Act, the following salvage rates shall be payable, either to the authorized salver or to the Forest Officer, as the case may be:—

	Rs.	A.	P.
² [For every log of deodar of 8 feet in girth and over ..	1	8	0
For every log of deodar of 5 feet in girth and over ..	0	12	0
For every log of deodar under 5 feet in girth ..	0	6	0
Sleepers and scantlings ..	0	6	0
			each]

Salvage rates authorized for deodar shall be the authorized rates for all species of timber

For salvage of scraps or firewood, one-fourth of the pieces collected in kind.

The Forest Officer in charge may fix any higher rate, not exceeding the ³[three times] the above rates, for salving on any portion of the river where such salving is unusually difficult or dangerous.

Nothing in this rule shall be held to prevent the Forest Officer contracting with such salvagers to raft the timber at certain places at rates agreed on by the parties, and no salvage rate shall be claimable in addition to any rate paid under such contract.

¹Vide Punjab Government notification No. 341, dated 19th August, 1879 and amended by notifications Nos. 84, dated 26th January, 1912, 372, dated 7th December, 1916, and 19805, dated 3rd July, 1926.

²Substituted by Punjab Government notification No. 1799, dated 7th November, 1944.

³Substituted by *ibid* for "twice".

F. FOREST RULES OF GENERAL APPLICATION

¹Rules for the unclassified forests or waste lands belonging to Government, under sections 50 and 50-B of the Punjab Laws Act, IV of 1872.

1. (1) This rule, Rules 2 to 9 (both inclusive) and Rule 17 apply in the first instance to all waste lands which are the property of the Government in the local areas mentioned in the Schedule, except—

- (a) protected and reserved forests ;
- (b) lands under the control of the Military, Canal or Railway authorities;
- (c) lands under the control of District Boards and Municipal Committees;
- (d) encamping-grounds;
- (e) Government lands to which any special rules having the force of law under any Act, for the time being in force in the Punjab, apply;
- (f) lands included within the area of any cultivating lease, or which have been allotted under the Government Tenants (Punjab) Act, 1893.

But the said rules may be extended to lands of classes (c) and (d) by special order of the Punjab Government published in the official Gazette.

(2) Rules 10 to 16 may be extended to any other local area by special order of the Punjab Government published in the official Gazette.

2. In these rules—

- (a) “ Cattle ” includes, besides horned cattle, camels, horses, asses, mules, sheep, goats, and the young of such animals.
- (b) “ Collector ” means the collector of the district, and any person on whom the powers of a collector have been conferred under section 27 of the Punjab Land Revenue Act, XVII of 1887.
- (c) “ Forest Officer ” means any officer of the Forest Department in charge of a forest Range, and includes any person appointed by the Collector or by the Conservator of Forests, Punjab, to discharge all or any of the functions given by these rules to the Forest Officer.
- (d) “ Farmer ” means a person to whom the right to collect fees for the pasturing of cattle or to cut wood or grass or to remove fuel or any other natural product of any land to which these rules apply, has been leased by the Collector.
- (e) “ Graze ” includes “ browse.”

3. Save as hereinafter provided in Rule 10, no person shall pasture cattle, cut wood or *sajji* plants or grass, or gather fuel or any other natural product in the above-mentioned lands, except—

- (i) under the authority of and in accordance with the conditions of a licence granted by the Collector or Forest Officer; or
- (ii) with the permission of a farmer and in accordance with the conditions of such farmer's lease.

¹Vide Punjab Government notification No. 1086, dated 11th August, 1900.

4. Every licence granted under rule 3, clause (i), shall be in writing and signed by the Collector or Forest Officer, and shall state—

- (a) the nature, extent and duration of the rights thereby conferred ;
- (b) the consideration paid or to be paid by the licence holder; and
- (c) the special conditions, if any, on which the licence is granted.

5. (1) Every lease granted to a farmer shall be in writing signed by the Collector and the farmer, and shall state—

- (a) the nature, extent and duration, which shall in no case exceed five years, of the rights thereby conferred;
- (b) the consideration paid or to be paid by the farmer ; and
- (c) the special conditions, if any, on which the lease is granted.

(2) Every such lease shall include—

- (a) in cases where the consideration-money is payable by instalments, a statement as to the amount of the said instalments and the dates on which they will fall due ;
- (b) in cases where the lease relates to the right of grazing—
 - (1) a specification of the maximum grazing dues which the farmer may lease; and
 - (2) a clause providing that the farmer shall not, without the written permission of the Collector, transfer the lease or close any portion of the leased area to grazing by any cattle in respect of which grazing dues are tendered under Rule 6 ; and
- (c) in all cases a clause providing that, if the leased area or any part thereof is at any time required by the Government for public purposes, the lease shall be terminable on payment to the farmer of reasonable compensation to be assessed by the Collector.

6. (1) The owners of cattle grazing on any lands to which these rules apply shall pay to the Collector or Forest Officer, or to the farmer, as the case may be, fees according to a scale fixed from time to time by the Financial Commissioner for each district. Provided that no fee shall be charged for any sheep or goat less than six months old, or for any other animal less than one year old.

(2) The fees to be charged for licences to cut wood, *sajji* plants or grass, or to gather fuel or any other natural product in any lands to which these rules apply, shall be fixed from time to time by Commissioner of the Division and shall be paid by the licence-holder to the Collector or Forest Officer or such other person as may be authorised by the Collector in this behalf or to the farmer, as the case may be.

7. The Punjab Government may in respect of any local area exempt from all or any of the provisions of these rules any person or class of persons and any cattle or description of cattle.

8. Every licence-holder and every farmer shall be bound by the conditions stated in the licence or lease, as the case may be, granted to him, and every person acting under Rule 3, clause (ii), shall be bound by the conditions of the lease granted to the farmer.

9. (1) In case of any breach of the provisions of Rule 8, the Collector may, at his discretion, cancel the licence or lease, and thereupon the license-holder or farmer and every person acting under the farmer under Rule 3, clause (ii), shall forfeit all claims to any produce or wood which at the time of the cancellation of the licence or lease has not been removed from the land to which the licence or lease applies.

(2) On the cancellation of a licence or lease under sub-section (1), the licence-holder or farmer shall not be liable for any fees outstanding on the produce or wood so forfeited ; but he shall have no claim to refund of dues already paid, and he shall not be thereby discharged from his liability for the payment of other dues in arrears or of instalments overdue under the terms of his licence or lease at the date of the forfeiture.

10. (1) The Collector may, with the previous sanction of the Financial Commissioner, make an agreement on behalf of Government with the whole community of cattle-owners residing in any estate to pay such an annual assessment, by way of commutation for grazing dues, as may be agreed upon between the Collector and such community.

(2) Such assessment shall not, without the sanction of the Punjab Government, be made for a period exceeding five years ; and when such an assessment has been concluded and recorded in such manner as the Financial Commissioner shall direct, no person comprised in such community of cattle-owners shall be liable to separate assessment in respect of any cattle belonging to him and grazing during the period mentioned in such agreement on lands to which these rules apply within the limits of the tract regarding which the agreement is made.

(3) Similar agreements may, under the orders of the Financial Commissioner, be entered into between the Collector on behalf of the Government and associations of cattle owners, in respect of the cattle owned jointly or severally by the members of such associations.

(4) For the purposes of this rule, the consent of persons owning two-thirds of the cattle belonging to a community or association as aforesaid shall be deemed to be the consent of all the cattle-owners of such community or association.

11. If the cattle-owners of any community or association, which has accepted an assessment made under rule 10, prove to the satisfaction of the Collector that the owner of any cattle, in respect of which the assessment was made, has with his cattle left that community or association, and resides permanently with his cattle in another community or with another association in the same district which has accepted a similar assessment, the Collector may reduce the assessment payable by the former community or association and enhance the assessment payable by the latter community association proportionately to the number and description of cattle removed from the one and added to the other.

12. The Collector may require the headman of any community or association of cattle-owners with which an agreement is in force under Rule 10 to furnish him with a nominal roll of the cattle-owners belonging to such community or association showing the number and description of the cattle owned by each.

13. Disputes arising among the cattle-owners of any community or association which has accepted an assessment made under Rule 10, regarding the incidence as among themselves of the assessment, shall be decided by the Collector, whose order shall be final.

14. (1) All sums due under an assessment made under Rule 10 shall be payable at such times and places and to such persons as the Financial Commissioner shall direct.

(2) The amount assessed under Rule 10 shall be collected by lambardars of estates or headmen of associations of cattle-owners, or by such other persons as the Collector may appoint, and such lambardars, headmen, or other persons shall levy grazing dues from the cattle-owners in accordance with rates which shall be fixed by the Collector so as not to exceed in the aggregate the total assessment and to apportion the incidence thereof among the cattle-owners as nearly as may be in proportion to the number and kind of cattle owned by each.

(3) If the amount of the grazing dues leviable under this rule from a cattle-owner belonging to any community or association which has accepted an assessment under Rule 10 is not paid by such cattle-owner or by some other person on his account when duly demanded, the Collector may entirely rescind the agreement made under Rule 10, in respect of such community or association.

15. The persons authorized under Rule 14 to collect the assessment shall be entitled to a drawback not exceeding 5 per cent on all sums paid by them into the Government Treasury on account of such assessment.

16. Three per cent of the net collections, after deducting sums payable under Rule 15, shall be credited to the District Patwari Fund and shall be expended, under the orders of the Financial Commissioner, in remunerating the establishment maintained, and in paying the contingent charges incurred, in connection with the assessment and collection of grazing duties.

17. Any person acting in contravention of any of these rules shall be liable, on a first conviction, to simple imprisonment for a term which may extend to one month, or to fine not exceeding Rs. 100, or to both; and on a subsequent conviction under this rule within three years of the first to imprisonment for a term which may extend to six months, or to fine not exceeding Rs. 300, or to both.

SCHEDULE

Local areas to which Rules 1 to 9 and Rule 17 apply :—

Hissar	District
Rohtak	„
Karnal	„

**¹Rules regulating the firing of land near Reserved Forests
under section 25 (b) of Act VII of 1878**

1. No person shall set fire to any forest or grass land within one mile of a Reserved Forest without giving notice to the Divisional Forest Officer or such other official of the Forest Department as may be authorized by the Divisional Forest Officer to permit such firing and obtaining the permission, in writing, of such officer, and then only subject to such conditions, restrictions and precautions as that officer may impose.

2. Any person desirous of burning on land within 100 yards of a Reserved Forest, cut wood, grass, weeds or other cut materials, shall collect such cut material into heaps and fire them in such a way as not to endanger the Reserved Forest.

²The Nautor (Lahaul) Rules, 1956

1. (i) These rules may be called the Nautor (Lahaul) Rules.

(ii) They shall apply to the undemarcated Government waste land in Lahaul in the Kulu Sub-Division.

2. In these rules unless there is anything repugnant in the subject or context,—

- (a) "Kothi" means a sub-division of waziri of Lahaul as recognised in revenue records.
- (b) "Kothi rightholder" means a landowner recorded as the owner of a holding of agricultural land assessed to land revenue recorded in the Revenue Settlement of 1911-12 in the kothi in which it is proposed to grant nautor, or persons who have acquired such a holding by inheritance from a person so recorded.
- (c) "Kothi artisan" means a member of a family of artisans, which has been settled since 1868 in the kothi, in which it is proposed to grant nautor.
- (d) "Lahaul rightholder" means a rightholder who is recorded as owner of agricultural land assessed to land revenue in the Revenue Settlement of 1911-12 in any kothi of Lahaul other than that in which it is proposed to grant nautor or persons who have acquired such a holding by inheritance from a person so recorded.
- (e) "Lahaul artisan" means member of a family of artisans which has been settled since 1868 in any kothi in Lahaul other than that in which it is proposed to grant nautor.
- (f) "Nautor" means the grant on payment of *nazrana* of an interest in undemarcated waste land owned by Government in the patta in the Form hereto annexed.

¹Vide Punjab Government notification No. 437, dated 3rd October, 1904.

²Vide Punjab Government notification No. 4134-Ft-56/3683, dated 17th August, 1956. These rules are in supersession of rule 32(2) of the rule contained in Punjab Government notification No. 416, dated 14th August, 1897 (as subsequently amended)

3. (1) Nautor will be granted to kothi rightholders or kothi artisans or to Lahaul rightholders or Lahaul artisans who do not pay land revenue exceeding Rs 20 per annum or income-tax.

(2) Where panchayats exist, small plots of nautor up to half an acre may be granted to such Panchayats by the Assistant Commissioner, Kulu, for the construction of Panchayat Ghars, for play-grounds, parks, demonstration plots and schools, subject to the condition that only so much land as is actually required for the purpose is granted.

4. Nautor under sub-rule (1) of rule 3 preceding will only be granted for subsistence or for the construction of a house provided it is proved to the satisfaction of the authority sanctioning the grant of nautor that such construction is necessary.

Explanation.—The grant will not be deemed to be necessary if the applicant for the grant has arable land in his possession lying uncultivated or if in the opinion of the Assistant Commissioner, Kulu, he has not adequately safeguarded such land against erosion.

5. Notwithstanding anything in the preceding rules grant of nautor may be made in exchange for applicant's land which may either—

- (i) be surrounded by demarcated Government forests ; or
- (ii) be surrounded by afforested areas in undemarcated waste lands ; or
- (iii) be surrounded to effect the consolidation of holdings.

6. No nautor will be granted in respect of lands which have a slope steeper than one vertical in two horizontal (26°). The grant of nautor in land which has a slope steeper than one vertical in four horizontal (14°) but less than (26°) will be subject to an additional condition that the grant must be safeguarded against erosion to the full satisfaction of the Assistant Commissioner, Kulu.

7. Grants of nautor to kothi rightholders or kothi artisans of an area of ten biswas or less for house sites and water mills may be made by the Assistant Commissioner, Kulu.

8. Grant of nautor to kothi rightholders or kothi artisans of half an acre or less for purposes not covered by rule 7 may be made by the Assistant Commissioner, Kulu. Nautor, however, shall not be granted for channels for irrigation, supply of drinking water and any other industrial purposes.

9. (1) (a) Grant of nautor to kothi rightholders or kothi artisans for purposes covered by rule 7 for an area exceeding 10 biswas up to half an acre and grant of nautor to kothi rightholders or kothi artisans for purposes covered by rule 8 for the areas exceeding half an acre up to one acre may be made by the Deputy Commissioner, Kangra.

(b) Nautor to Lahaul rightholders or Lahaul artisans up to half an acre for purposes covered by the rule 7 and one acre for the purposes covered by rule 8, may be made by the Deputy Commissioner, Kangra.

(2) Grant of nautor over one acre to kothi rightholders or kothi artisans, Lahaul rightholders or Lahaul artisans for purposes other than house sites and water mills will require the previous sanction of the Commissioner and will be given for exceptional reasons to be recorded in writing.

(3) Grant of nautor over half an acre for house sites and water mills will require the previous sanction of Government and will be given for exceptional reasons to be recorded in writing.

10. Grant of nautor to kothi rightholders or kothi artisans shall not be made until *nazrana* at the rate of Rs 5 per bigha has been paid when the land is to be granted for agricultural purposes, and at the rate of Re 1 per biswa when the land is granted for other purposes, except that where such land granted for purposes other than agriculture is within 100 feet of a road in the charge of the Punjab Public Works Department, Buildings and Roads Branch, *nazrana* at the rate of Rs 2 per biswa shall be paid.

11. Grants of nautor to Lahaul rightholders or Lahaul artisans shall not be made until *nazrana* at the full market value of the land to be granted has been paid.

12. Grants of nautor shall not be made of land on which there are reserved trees.

13. Nautor shall not ordinarily be granted of land which has been encroached upon but if the authority competent to make a grant of such nautor is satisfied that the grant of nautor of such land encroached upon should be made to the encroacher, then such grants shall not be made until a sum which in the opinion of the Assistant Commissioner, Kulu, is equivalent to full market value of the land has been paid by the encroacher by way of *nazrana plus* such penalty in addition not exceeding the market value of the land encroached as may be imposed by the sanctioning authority.

14. (1) Application for the grant of nautor will in the first instance be presented to the Naib-Tehsildar in duplicate. One copy will be forwarded by the Naib-Tehsildar to the Divisional Forest Officer concerned.

(2) On receipt of the application a notice to the kothi rightholders showing the area applied for and its situation will be published by putting up in a conspicuous place in the villages of rightholders concerned and on the land applied for. One month from such publication will be allowed for objections from rightholders. The Naib-Tehsildar, Lahaul, will inspect the site, record the rightholders' statements on all existing rights in the land and any objections to its being broken up for cultivation, and check the *tatimma shajra*. He will also note whether there are any reserved trees on the land, the proximity of roads, paths or water channel and the slope of the land. Except when no objections are raised, the spot must be visited by the Naib-Tehsildar.

(3) (a) When the above details have been gone through reference will be made to the Divisional Forest Officer, Kulu, who will direct the Range Officer to visit the spot and report on the following points :—

- (i) sufficiency or insufficiency of grazing (mention here will be made if any interference is likely to be caused to rightholders by grant of nautor to the grantee).
- (ii) Slope of land. No nautor being admissible on slopes of 26° (1 in two horizontal) or more.
- (iii) whether terracing or other constructions will be necessary or not.
- (iv) danger of erosion and nature of applicant's safeguards to check the same.

(b) After consideration of the Range Officer's report the Divisional Forest Officer will convey his objections or recommendations to the Assistant Commissioner in respect of the nautor applied for.

(c) If the site adjoins a Public Works Department Road, the Sub-Divisional Officer, Punjab Public Works Department, Buildings and Roads Branch, will be consulted.

(d) Such objections as are raised by the Forest Department or the Public Works Department or by the people who have been accustomed to exercise rights in the waste land, shall be disposed of by the authority competent to make a grant of nautor, who may grant nautor or disallow it.

15. After the nautor has been sanctioned by the appropriate authority, the Assistant Commissioner, Kulu, will issue a *patta* in the form hereto annexed and the file will be sent through the tahsil to the Patwari for entry of the mutation.

16. Grantees on being given possession must at once mark out the land accurately by *burjis* of low walls according to the demarcation of the Patwari.

17. If a kothi rightholder lodges an objection within one month of the date from which possession is taken and the objection is upheld, the lease may be cancelled without the grantee being entitled to any compensation other than the refund of *nazrana* paid.

18. At the end of each quarter a statement showing the particulars of the grants of nautor sanctioned in the preceding three months will be forwarded by the Assistant Commissioner, Kulu, to the Divisional Forest Officer concerned, for the information of the Forest Staff.

19. A grantee of nautor shall not alienate the land of his grant or any building thereon without the previous sanction of the Collector of Kangra District and any alienation made without such consent shall be voidable at the instance of the Collector. If the sanction is refused and the alienation has otherwise been completed, the land shall revert to Government and it shall be considered that there has been a breach of the conditions of the grant. The Deputy Commissioner should not grant permission for any such alienation unless the alienee would also be entitled to receive a grant of nautor in the first instance. In any other case before such alienation is sanctioned the Deputy Commissioner should refer the matter through the Commissioner to Government for order.

Form for the grant of nautor in the Lahaul area of the Kulu Sub-Division

A GRANT made by the Governor of Punjab (India) (hereinafter called Government) of the one part to _____
 son of _____ resident of _____
 tahsil _____ in Lahaul area of the Kulu Sub-Division
 in Punjab (hereinafter called the grantee) of the other _____
 the conditions contained in Punjab Government notification No. _____
 part in pursuance of _____
 order, dated the _____
 of the _____ From _____
 to _____.

Whereas the land hereinafter mentioned is held by the Government of Punjab (I).

And whereas Government is authorised to grant interest in or to dispose of the said land by virtue of the provisions of Article 298 of the Constitution of India.

And whereas the grantee has paid the sum of _____ rupees to Government as *nazrana* and _____ rupees on account of the price of the trees.

Now this GRANT WITNESSETH AS follows :—

1. Government of Punjab (I) as a beneficial owner grants unto the grantee. All that plot of land, containing _____ acres more or less hereinafter described as nautor and more particularly described in the schedule hereto, TO HAVE AN INTEREST IN AND TO HOLD the same to the Grantee subject to the exceptions and reservations and on the terms and conditions hereinafter appearing.

2. The grant of nautor is made for _____ purposes only. The Grantee shall not use the land for any other purpose.

EXCEPTIONS AND RESERVATIONS ON BEHALF OF GOVERNMENT

3. Government does not grant but excepts and reserves to itself all mines, minerals and quarries of whatever nature existing on, over or below the surface of the land with liberty to search for, work and remove the same in as full and ample manner as if this grant had not been made.

4. Government does not grant but excepts and reserves to itself all rivers and streams, with their beds and banks, all water-courses and drainage channels and all public thoroughfares now existing on the land or shown as proposed for construction in the plan annexed.

5. For the full discovery, enjoyment and use of the rights hereby reserved, or for the protection and maintenance of any property hereby excluded, it shall be lawful for Government through its authorised agents or for any officer of Government to enter upon the land and make use thereof, as may be necessary for these purposes, without making any compensation to the grantee for such use and occupation except as may be provided hereunder.

OBLIGATIONS OF THE GRANTEE

6. The grantee hereby covenants with Government as follows:—

(a) Not to do so suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to Government.

(b) To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by Government in that behalf to enter the land at all reasonable times and to do all acts and things necessary for or incidental to :—

(i) the purpose of enforcing compliance with any of the terms and conditions of this grant, or of ascertaining whether they have been duly performed or reserved, or

- (ii) any purpose connected with the full enjoyment, discovery and use of the rights hereby reserved to Government.

- (c) Within one year of the date of this grant to cause it to be fit for cultivation and protect the land against

Applicable to grants for
cultivation only

erosion in such manner as may be considered adequate by the Assistant Commissioner, Kulu.

- (d) If the land or any portion thereof is required for any public purpose, to surrender the whole or so much of the land as may be required on demand by the Collector, without claiming compensation except as provided hereunder.
- (e) If any rightholder of the kothi in which the nautor is situated, within one month of the date on which the grantee is let into possession of the nautor shall object to the grant and his objection is upheld by the Collector, to surrender the land without claiming compensation therefor except the refund of *nazrana* paid without any interest thereon.
- (f) To remain at all times of loyal behaviour and at any time of trouble to render active support to the Government and its officers.
- (g) To pay such amount towards the cost of the following works as the Collector, acting under the general or special orders of Government may determine, whether the cost has already been incurred at the time of the grant or may be incurred thereafter :—
 - (i) the survey and demarcation of the land,
 - (ii) the construction of any roads, paths, culverts or bridges necessary for the general convenience of the estate in which the land is situated, and
 - (iii) the maintenance and repair of any such roads, paths, culverts or bridges.
- (h) To pay promptly the land revenue and all rates, cesses, charges and outgoings to which the land may from time to time be assessed, provided that land revenue will not be charged for the first two years and will be charged at half the rate for the third year from the date on which the grant has been made.
- (i) To demarcate the land by erecting *burjis* or a small wall around the land according to the demarcation of the Patwari.
- (j) If the land is granted for a purpose other than cultivation to use the land for that purpose only and for no other purpose and to complete the adaptation of land for this purpose within one year of the date of this grant.
- (k) If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated and surrender it peaceably to the Collector and, if so required by the Collector, to pull down and remove any structures existing thereon.
- (l) Not to alienate the land of his grant or any building thereon without the previous sanction of the Collector of Kangra District.

PROVISOS

7. If the grantee fails to perform or commits a breach of any of the terms or conditions of this grant or suffers or permits such a breach or non-performance, the Collector may at any time thereafter determine the grant and resume possession of the land, and may pull down any structure existing thereon, and may sell the materials thereof and retain the proceeds of the sale :

Provided that if the conditions contained in sub-clauses (c) and (j) of clause 6 have not been fulfilled to the satisfaction of the Assistant Commissioner, Kulu, the grant may be terminated and the land resumed without payment of any compensation therefor except for the refund of half the amount of *nazrana* already paid.

8. No compensation shall be payable by Government in respect of the exercise of any rights reserved or conferred by the terms of this grant, except as provided hereunder :—

(a) for actual damage or occupation arising out of the exercise of rights, such compensation as may be determined by the Collector.

(b) On resumption of the whole or any portion of the land otherwise than for breach of or non-fulfilment of the terms or conditions of the grant or for the creation of a public right of way, a proportionate refund of *nazrana* paid and such additional sum, if any, as may be determined by the Collector in accordance with the general principles applicable to the acquisition of land for public purposes.

9. (i) If any question of difference whatsoever shall at any time hereafter arise between Government and the grantee in any way touching or concerning this grant, or the construction meaning operations or effect thereof or of any clause herein contained or as to the rights, duties or liabilities of either party under or by virtue of this grant, or touching the subject matter of this grant of arising out of or in relation thereto, then, save in so far as the decision of any such matter has been hereinbefore provided for and has been so decided, the matter in difference shall be referred to the arbitration of the Commissioner, acting as such at the time of reference who shall have power to decide any matter so referred, including the following question :—

(a) whether any other provision has been made in these presents for the decision of any matter and if such provision has been made, whether it has been finally decided accordingly, and

(b) whether the grant should be terminated or has been rightly terminated, and what are or will be the rights and obligations of the parties as the result of such termination.

(ii) The decision of the arbitrator shall be final and binding, and when any matter so referred to arbitration involves a claim for the award, increase or reduction of a sum of money by way of compensation or any other payment or recovery of money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

10. The cost of stamp duty on this Instrument shall be borne by Government and the same shall be registered by the grantee at the expense of Government.

INTERPRETATION

11. In these conditions, unless there is anything repugnant in the context,—

- (a) “the Collector” and “the Commissioner” mean the Collector and the Commissioner, respectively, for the time being of the district or division in which the land is situated and include any other persons duly authorised by general or special order to exercise the powers of a Collector or Commissioner in respect of conditions governing this grant;
- (b) “the Government” and “the grantee” include their successors in title, respectively, all rights hereby conferred and obligations hereby imposed shall be available for and bind their successors in title as the case may require, and when the term “the grantee” includes co-sharer, any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer ;
- (c) “the land” means the land which is the subject of this grant, and includes all rights, easements and appurtenances thereto belonging or pertaining ; and
- (d) “minerals” include all substances of a mineral nature which can be won from the earth, such as coal, earth-oil, gold-washings, stones and forms of soil which can be used for a profitable purpose on removal.

IN WITNESS WHEREOF the parties have hereto set their hands on the dates hereinafter in each case specified.

THE SCHEDULE ABOVE MENTIONED

Description and Boundaries of the land

An area of _____ Ghamaons _____
 Kanals _____ Marlas _____ Situated in mauza _____
 _____ tehsil _____ District _____.

Shown in the revenue records as No. _____ and
 bounded as follows :—

On the north by ..

On the east by ..

On the south by ..

On the west by ..

Signed for and on behalf of the
 Governor of Punjab by _____
 (Sd.) Officer

Signatures of executants and
 witnesses

Officer of _____ acting
under the orders of the Governor of
Punjab in the presence of _____

_____(Sd) Witness.

(address) _____ (description)
on the _____ day of
_____, in the year one
thousand, nine hundred and _____
_____. Signed

by the said _____ (Sd)
Grantee in the presence of _____
_____(Sd). Witness.

(address) _____ (description)
on the _____ day of
_____ in the
year one thousand, nine hundred and
_____.

The Punjab Animal Contagious Diseases Rules, 1953

1. These rules may be called the 'Punjab Animal Contagious Diseases Rules, 1953'.

2. *Powers of Entry and Inspection of an Inspector.*—(i) An Inspector shall have the power of entry and inspection at any time of the day before sunset and after sunrise of any animal, house, land, or building or other place, or any vessel or vehicle in which or in respect whereof he has reason to suspect the presence of an animal suffering from or suspected to be suffering from or having died of any of the scheduled diseases under the Act.

(ii) The Inspector before entering shall, if required, by the owner or occupant of the place or person incharge of the animal or land, building, animal house, place, pen, vessel or vehicle, state in writing his intention and reason or reasons for entering and inspecting and the owner or occupant shall thereupon without denur or obstruction allow the Inspector to perform his duties under the Act ;

(iii) Any resistance or refusal to allow entry or in addition to and not in derogation of the provisions of any other law for the time being in force inspection as above on the part of the owner or occupant of the place or person-in-charge of the animal or land, building, animal house, place pen, vessel or vehicle shall render him punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500.

3. *Control of the Holding of Markets, Fairs, etc.*—The following rules shall be deemed to govern the prohibition or regulation of the holding of animal markets, fairs, exhibitions or other concentrations of animals for the purpose of preventing the outbreak or spread of any scheduled disease when Government shall have issued a notification under section 10 of the Act:—

In any specified area where an animal's market, fair, exhibition or such similar gathering or concentration of animals is to be held,

- (i) All animals brought into or taken out shall use the proper entrance and exit gates to places or areas of such animal gatherings.
- (ii) Inspection posts shall be organised at each of the above entrances and exits under the supervision of an Inspector.
- (iii) The Inspector shall examine all animals entering into and going out of the above places of animal gatherings.
- (iv) If the Inspector on examination finds or suspects any animal to be suffering from any of the scheduled diseases, he shall seize that animal forthwith and cause it to be removed to Segregation Camp.
- (v) If the Inspector deems it fit, he may also require all the incontact animals to be removed to the Segregation Camp.
- (vi) In the Segregation Camp, the animals sent as heretofor provided, will be dealt with according to the Rules made under section 38(g), (h) and (j) of the Act on scheduled Diseases.

1. *Vide* Punjab Government notification No. 2595-Vety-51/1534, dated 18th August, 1953.

4. (1) *Cleansing and Disinfection of vessels, vehicles, etc., under subsection (2) of section 12 of the Act.*—(a) All owners of vessels or vehicles, etc., being common carriers for the transport of animals shall have to present their vehicles or vessels to the Veterinary Surgeon concerned at a place and time to be specified by him every month for such inspection and disinfection as he deems necessary,—*vide* Appendix 1.

(b) Every vessel or vehicle used by a common carrier for the transport of animal shall be cleansed and disinfected every month, or, if it is not in a sanitary condition, as the Inspector may require it to be cleansed or disinfected within such time as he may specify, in the manner prescribed in Appendix 1.

(c) If such vessel or vehicle is not cleansed and disinfected in the manner prescribed by the Veterinary Surgeon within the appointed time or as required by the Inspector, the Veterinary Surgeon of the ilaqa or the Inspector, as the case may be, shall cause it to be cleansed and disinfected at the expense of the owner or owners.

(d) The Veterinary Surgeon or the Inspector as the case may be may require the owner, occupier or person in-charge of any building, yard, vessel or vehicle in which there has been an infective animal to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed in such manner and to such extent as may be specified in the order, subject as aforesaid if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard vessel or vehicle to be disinfected, and the internal fittings and other things to be disinfected or destroyed at the expense of the owner.

5. *Isolation or segregation of animals under section 15 of the Act.*—Places for the isolation or segregation of animals shall be appointed by the Veterinary Surgeon of the ilaqa by an order in writing.

6. (i) *Power of Veterinary Surgeon to hold post-mortem examination under section 14 of the Act.*—(a) The owner or person-in-charge of an animal that has died of a Scheduled disease or is suspected to have died of an infectious disease, shall inform the Veterinary Surgeon of the area concerned of this fact. He will not bury or otherwise dispose of the carcass of such animal until it has been examined by the Veterinary Surgeon.

(b) The Veterinary Surgeon on getting the above information shall proceed to the place concerned and perform or cause to be performed post-mortem examination or any other examination of the animal which he deems necessary to confirm the nature of the disease.

(c) If the Veterinary Surgeon declares the animal to have died of an infectious disease, he shall direct its owner or person-in-charge of the animal to cause its incineration or burial in the manner he deems necessary.

(d) In the event of any owner or person-in-charge of the animal not complying with the instructions laid down by the Veterinary Surgeon regarding the disposal of the carcass the Inspector will cause the disposal of the carcass in the manner directed by the Veterinary Surgeon at the owner's expense or the person-in-charge of the dead animal

(ii) *Action after examination by the Veterinary Surgeon regarding disposal of animals under subsections (1), (2) and (3) of Section 17 of the Act.*—(a) When the owner of an animal seized under section 15

but declared not infective by the Veterinary Surgeon cannot, without undue inconvenience, be found, the Inspector shall send the animal to the nearest cattle pond or to the nearest Veterinary Hospital, where it will be detained for a period of 15 days within which period the rightful owner may claim the animal. He shall cause a notice of such detention to be proclaimed in the locality from which seizure was effected.

(b) If the owner does not claim the animal within 15 days from the date of its admission into the cattle pond or Veterinary Hospital it will be sold by public auction. Three days before the auction is held, the Veterinary Surgeon will advertise in the following manner, in the village or locality from which the animal was seized :—

“ The animal, answering to the description _____
_____ seized on _____
_____ at _____ under the
Act will be sold by public auction in case its owner does not turn up
by date _____ to reclaim the animal on payment
of all expenses incurred in connection therewith.”

(c) The gross amount of the sale-proceeds should be credited to the head “ XXX-Veterinary—Other Receipts ” and the cost of feeding, auction and other expenses debited to the minor head—“ E—Hospitals and Dispensaries—E-1-Muffassil Veterinary Hospitals and Dispensaries—Contingencies of Major Head ” “ 41—Veterinary ”.

(d) The animal declared to be suffering from any of the scheduled diseases shall be dealt with as laid down in these rules for the disposal of the infective or diseased animals.

(e) If after examination, the Veterinary Surgeon certifies that the animal is infective but not diseased, the animal shall be dealt with in the manner laid down in these Rules regarding infective animals.

7. *Compensation for animals destroyed under section 18 of the Act.*—Except as provided in section 18 compensation to the owners of animals, certified in writing by the Veterinary Surgeon to be infective or diseased and ordered to be destroyed for that reason shall be paid at the following rates :—

(i) *Glanders and Farcy.*—(1) When clinical symptoms are shown $\frac{1}{2}$ of the value subject to a maximum of Rs 30 for each horse or mule and Rs 5 for each donkey.

(2) When clinical symptoms are not shown but when there is a reaction to the Mallein Test, $\frac{1}{2}$ of the value subject to the maximum of Rs 50 for each horse or mule and Rs 10 for each donkey.

(3) In non-clinical cases, compensation for destruction will be $\frac{3}{4}$ of the value subject to the maximum of Rs 100 for a horse, or Rs 70 for a mule and Rs 15 for a donkey.

(ii) *Lymphangitis Epizootica and Dourine.*— $\frac{3}{4}$ th of the value subject to maximum of Rs 100 for a horse or Rs 70 for a mule and Rs 15 for a donkey.

(iii) The value of the animals should be regarded as the price which would have been paid for it immediately after it was certified to be diseased. The Veterinary Practitioner ordering destruction should award compensation in accordance with the above scale and his orders shall be considered final.

(iv) The compensation so paid is debitable to the Minor head "E—Hospitals and Dispensaries—E-1—Moffassil Veterinary Hospitals and Dispensaries—Contingencies" of that Major head "41—Veterinary".

(Note.—The above rates of compensation may be revised by Punjab Government from time to time.)

8. *Regulations for the exercise of the powers of the Veterinary Surgeon and Inspector under section 19 of the Act.*—(i) Regulations for the exercise of the powers of the Veterinary Surgeon for disinfection or destruction as required under section 19 (1) of the Act, are prescribed in Appendix 1 and the Veterinary Surgeon may enforce them in the manner and to the extent as he considers necessary in the circumstances of each case.

(ii) In case of default by the owner, occupier or person in charge of any building, yard, vessel or vehicle the Inspector shall, under order of the Veterinary Surgeon in writing cause the disinfection or destruction of such building, yard, vessel or vehicle in accordance with the Regulations prescribed in Appendix 1.

(iii) A certificate of an Inspector under the Act to the effect that an animal is or was affected with a scheduled disease under this Act and the amount of expenses incurred specified in the certificate shall for the purpose of this Act be conclusive evidence in all courts of justice of the matters certified.

9. *Prescribed Authority.*—The Veterinary Surgeon shall report the action under subsection (2) of section 21 and subsection (2) of section 22 of the Act to the District Magistrate in the District or Sub-Divisional Magistrate. In the case of a Sub-Division and shall also forward a copy of his report to the Superintendent, Civil Veterinary Department of Division and the Deputy Superintendent, Civil Veterinary Department of the Director concerned.

10. *Form and Contents of the licenses to be granted by the Inspector under Section 24.*—The licence to be granted by the Inspector under section 24 of the Act shall be in the form and subject to the condition given in Appendix II.

11. *Regulations for the isolation, detention, treatment including sterilization and inoculation and disposal of animals which are infective or suspected of being infective and the disposal of carcasses and parts of carcasses.*—(1) The Veterinary Surgeon shall not confirm an order of the Inspector under section 21(1) or declare an infected place under

section 22 (1) until the existence of a case of Anthrax
 Blackquarter
 Haemorrhagic Septicaemia
in the infected places has been confirmed by microscopical examination.

(2) Should an animal, certified by the Veterinary Surgeon to be infective die, whether in the isolation pond or not, it shall be the duty of the keepers of the pond to have the carcass of the said animal, without opening it, either burnt or buried six feet below the surface of the pond away from water course with a layer of unslaked lime not less than one foot deep both beneath it and above it and afterwards water thrown over it, at Government expense.

(3) Where the Inspector as declared under section 2 and the Veterinary Surgeon has confirmed the orders under section 2 of the Act that a certain private place or area in an infected place, or where the Government declares under section 23 any specified area to be an infected area

the following regulations shall apply for the isolation, detention and treatment of animals and their disposal in relation to an infected place or an infected area :—

Rinderpest.—(1) The Veterinary Surgeon shall arrange for the establishment of an isolation pond within a convenient distance of the infected place, and the Inspector shall be appointed the keeper thereof.

(2) (a) After the establishment of an isolation pond the Veterinary Surgeon may direct the owner or person incharge of an animal affected with the disease or one which is infective though not diseased, to remove it to the pond, where it shall remain until such time as the Veterinary Surgeon considers it to be released therefrom.

(b) The Veterinary Surgeon may also direct that an infective animal shall be subjected to immunisation against Rinderpest by one of the recognised methods.

(3) From the time when an animal is taken charge of by the keeper of the isolation pond he shall arrange for the feeding and medical treatment of the said animal, unless the owner or person incharge thereof desires to supply the food and medicine himself; provided always that such food and medicines shall be such as the keeper of the pond may approve of or direct.

(4) Should an animal impounded as aforesaid recover from the disease from which it was suffering or suspected to be suffering, before the animal is released the owner or person incharge thereof shall pay to the keeper of the pond, the actual cost of the feeding and treatment of such animal. Should he fail to pay the expenses aforesaid, then the said animal shall be sold by auction and the sum realised by its sale, after deducting the amount of the expenses shall be paid to the owner or the person who was incharge of the animal.

(5) Should an animal die while in the isolation pond, it shall be the duty of the keeper of the pond to have the carcass of the said animal, after slashing the hide, either burnt or buried six feet below the surface of the ground away from water-courses with a layer of unslaked lime not less than one foot deep both beneath and above it and afterwards water thrown over it at Government expense. In the case of any other ruminating animal or pig dying within an infected place it shall be the duty of the owner or person incharge of the animal to deal with carcass in the aforesaid manner, failing which it will be disposed of by the Inspector at the expense the owner or person incharge of the animal, or if such person is unknown, at Government expense.

(6) The Inspector shall not grant a licence for the removal of any animals from any infected place or an infected area until 7 days have elapsed since the animals ceased to be infective and then only if they have been subjected to an inoculation with Anti-Rinderpest serum within the previous 10 days provided always that nothing in this rule shall apply to any animal known to have been immunised against Rinderpest by the Serum-Simultaneous method of inoculation or Goat Virus Vaccination.

(7) If such animal be a female, and giving milk, such milk or any of its products, shall not be exposed for sale, unless it has been previously pasteurised or boiled.

(8) A breach of any of the above rules shall be punishable with fine which may extend in the case of a first conviction to Rs. 100 or in case of a second or subsequent conviction to Rs. 500.

Foot-and-Mouth Disease.—(1) Regulations (1), (2)(a), (3), (4), (5), (7) and (8) described under Rinderpest shall also apply to this disease

(2) The Inspector shall not grant a licence for the removal of any animal from an infected place or infected area until 10 days have elapsed since the animal ceased to be infective.

Anthrax and Blackquarter and Hemorrhagic Septicaemia.—Regulations (1), (2) (a), (3), (4), (7) and (8) described under Rinderpest shall also apply to these diseases.

(2) The Inspector shall not grant a licence for the removal of an animal excepting camel from an infected place or infected area until 7 days have elapsed since the animal ceased to be infective.

Tuberculosis.—(1) For the purpose of these rules—

(a) 'Animal' includes bull, bullock, buffalo and cow, or the young of any of the aforesaid.

(b) 'Tuberculin test' means the testing of animals with Tuberculin either by subcutaneous or double intradermal method, or any other method approved by the Provincial Government from time to time, to determine whether they are affected with Tuberculosis or not.

(2) Any animal which has reacted to the Tuberculin test, or has been shown to be affected with Tuberculosis by any other method subject to confirmation by the Director of Veterinary Services, Punjab, shall be deemed to be affected with Tuberculosis and shall be permanently marked in the right ear by the Veterinary Surgeon performing the test with the letter 'T'.

(3) Any animal so marked shall not be sold or transferred to any place or exhibited for show or sale at any market, fair or other public place where animals are concentrated.

(4) If such animal dies or is destroyed only such portion of the carcass as is passed fit for human consumption by the public health authority of the locality shall be exposed for sale ; the remaining portions shall be burnt or buried.

(5) If such animal be a female and giving milk, such milk, or any of its products, shall not be exposed for sale, unless it has been previously pasteurised or boiled.

(6) Any person who sells or traffics in, or attempts to sell or traffic in an animal so marked or the milk to such animal, or the carcass of such animal, except as provided for in rule 4, or brings or attempts to bring such an animal into any market fair or exhibition, or other concentration of animals shall be punishable with a fine which may extend in the case of a first conviction of Rs 100 or in the case of a second or subsequent conviction to Rs 500.

Johne's Disease.—(1) For the purpose of these rules—

(a) 'Animal' includes bull, bullock, buffalo and cow, or the young of any of the aforesaid.

(b) 'Approved test' means the testing of animals either with Avian Tuberculin or Johuin by the subcutaneous or the double intradermal method or with any other agent approved by the Provincial Government from time to time, to determine whether they are affected with Johne's Disease or not.

(2) Any animal which has reacted to the approval test, or has been shown to be affected with Johne's Disease by any other method, subject to the confirmation by the Director of Veterinary Services, Punjab (India), shall be deemed to be affected with Johne's Disease and shall be permanently marked in the right ear by the Veterinary Surgeon performing the test with the letter 'J'.

(3) Any person who sells or traffics in, or attempts to sell or traffic in an animal so marked, or brings, attempts to bring such an animal into any market, fair or exhibition or other concentration of animals shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500.

Glanders and Farcy.—(1) The owner or person-in-charge shall not allow the animal which is affected with or has been exposed to the disease to run at large or to come in contact with other animals.

(2) Every person having or having had in his possession or under his charge any animal affected with or suspected of the disease shall with all practicable speed give notice of the fact of the animal being so affected or suspected to the Inspector under this Act (section 6) or if there be no Inspector at any place nearer than the nearest Police Station to that Police Station, and the officer-in-charge of that station, shall forthwith transmit the information to an Inspector under the Act.

(3) Every Inspector who receives information of the supposed existence or who has reasonable grounds to suspect the existence of an animal infected of the disease at any place shall, without unnecessary delay and with all practicable speed, proceed to the place where such disease and animal according to the information received by him, is or is suspected to be, and shall discharge the powers and duties conferred and imposed on him under these rules or the Act.

(4) The Veterinary Surgeon may, if he thinks fit, give public warning by placards, advertisement or otherwise of the existence of the disease in any place or premises, buildings, field or other place, and the order aforesaid shall continue in force during the existence of the disease and until the place has been thoroughly cleansed and disinfected or otherwise got rid of the contagion. It shall not be lawful for any person (without authority or excuse) to remove or deface any such placard.

(5) No animal nor any part thereof, shall be removed out of the place or premises infected with the disease without a licence signed by an Inspector under this Act.

(6) For the purpose of these rules 'Mallein Test' means the testing of horses, mules, or asses with 'Mallein' either by the subcutaneous or the intra-dermopalpebral method, or any other method approved by the Provincial Government from time to time, to determine whether these animals are affected with Glanders or Farcy or not.

(7) Inspectors shall arrange for a Veterinary Surgeon under this Act to inspect and subject to the Mallein test any horses, mules, or asses affected with Glanders or Farcy or suspected of being so affected or which have been in contact with animals or so affected or suspected of being so affected, or which have been in any way whatsoever exposed to the contagion or infection of the disease of Glanders or Farcy, and for the purpose of making such inspection or test to order any such animals be collected, detained or isolated at the expense of the owner.

(8) Animals affected with the disease whether they show clinical symptoms of the disease, or are found to be positive on test without showing such symptoms, shall be, on an order signed by a Veterinary Surgeon duly appointed under this Act, slaughtered or killed and the carcasses, after slashing the hides, burnt or buried six feet below the surface of the ground away from watercourses, with a layer of unslaked lime not less than one foot deep both beneath and above it and afterwards water thrown on them.

(9) When it is decided that a horse, mule or ass under the rules should be destroyed by shooting under the rules, the Inspector may, if necessary, send a requisition in writing to the Officer-in-charge of the nearest Police Station to depute a Police Officer who shall forthwith comply and shoot the animal in question under the orders of the Inspector.

(10) No person shall dig up or cause to be dug up the carcass of an animal disposed of under the rules or any part thereof, except with the licence of an Inspector under the Act.

(11) Any person claiming compensation in any of the cases aforesaid, must produce a satisfactory report, order for slaughter, certificate of valuation and slaughter and certificate of thorough cleansing and disinfection of the premises concerned, duly signed by an Inspector under this Act.

(12) The certificate of a Veterinary Surgeon to the effect that an animal has reacted positively to the Mallein test or has shown clinical symptoms of Glanders or Farcy, shall for the purpose of this Act, and of these rules, be *prima facie* evidence in all courts of justice and elsewhere of the matters certified.

(13) Every yard, stable, outhouse, or other place or premises and every wagon, cart, carriage, car or other vehicle, and every utensil or other things infected with the disease shall be thoroughly cleansed and disinfected by and at the expense of the owner or occupier in such manner and to such extent as specified in Appendix 1.

(14) Nothing in these Rules applies to horses, asses or mules which are property of the State or Central Government or in stables of military barracks or camps and under the care and supervision of the Army Veterinary Service, or to horses, mules or asses in the stables of any Veterinary College or Veterinary Research Institute ; provided that nothing in this rule shall be deemed to apply to the carcass of any horse, mule or ass not to exempt a local authority from any obligation imposed on them in regard to the disposal of carcasses.

(15) A breach of any of the above Rules shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500.

Epizootic Lymphangitis.—(1) Regulations (1), (2), (3), (4), (5), (8), (9), (10), (11), (13), (14) and (15), described under Glanders and Farcy shall also apply to this disease.

(2) Inspectors shall inspect or arrange for an inspection by the Veterinary Surgeon under this Act with a view to obtaining material from the lesions of the disease from any horse, mule, ass or any other animal affected with Epizootic Lymphangitis or suspected of being so affected, for microscope examination and for the purpose of making such inspection or examination to order any such animals to be collected, detained or isolated at the expense of the owner.

(3) The certificate of a Veterinary Surgeon to the effect that the material from the lesions of the disease has shown the specific organism (*Cryptococcus farciminosus*) on microscopical examination shall, for the purposes of this Act and these Rules, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified.

Dourine.—Regulations (1), (2), (3), (4), (5), (8), (9), (10), (11), (13), (14), and (15), described under Glanders and Farcy shall apply to this disease.

(1) A Veterinary Surgeon may from time to time order slaughter, castration or other disposition of the animals which are found to be affected with Dourine.

(2) Inspector shall inspect or report to the Veterinary Surgeon to inspect any animals affected with Dourine or suspected of being affected, or which have been in contact with animals so affected or suspected of being so affected, or which have been in any way whatsoever exposed to the infection of Dourine, and the Veterinary Surgeon may order any such animals to be collected, detained, castrated or otherwise dealt with as may appear to him advisable.

(3) The expenses of, and incidental to the collection or isolation, seizure, castration or otherwise dealing with animals affected with or suspected to be affected with Dourine, shall be borne by the owners of the animal and no indemnity shall be allowed to the owner in case of damage arising out of or resulting from such action.

Rabies.—Regulations (1), (2), (3), (4), (5), (10), (13), and (15) described under Glanders and Farcy shall also apply to this disease.

(1) A Veterinary Surgeon may order the slaughter of any dog or other animal affected with Rabies or suspected of being so affected, and the disposal of the carcass of such animals which shall either be buried in unslaked lime and afterwards water thrown on them two feet below the surface of the ground or preferably burnt, away from water-courses and at the expense of the owner or person in charge.

(2) Inspector shall order dogs or other animals which have been exposed to the infection of Rabies, to be detained, isolated or muzzled at the expense of the owner, for as long as the Veterinary Surgeon may decide.

(3) Inspectors shall order the destruction of stray dogs, cats or any other animals in the infected areas under their respective jurisdiction in order to limit the spread of infection of Rabies at the expense of the local authority.

(4) (a) Every Municipality and other local body shall enforce in the area under their jurisdiction, the licensing of dogs, cats, and other animals kept as pets.

(b) In the event of an outbreak of Rabies in the area under their jurisdiction, the muzzling of dogs in that area for as long a period as the disease is in existence shall be enforced.

(5) On receiving the report of an Inspector to the effect that Rabies is known or suspected to exist in any locality, the Local Authority may order that all dogs or other animals within such an area shall be detained, isolated or muzzled in such manner and during such period as he may specify in this behalf.

Surra.—Regulations (1), (2)(a), (3), (4) and (5) described under Rinderpest shall apply *mutatis mutandis* except that for the words "an isolation pond" there shall be substituted the words "A Surra Centre") and the rules 10, 14 and 15 described under Glanders and Farcy shall apply to this disease.

(1) No animal shall be certified to be suffering from Surra until the necessary microscopical examination and diagnosis has been made by the Veterinary Surgeon.

(2) (a) The Veterinary Surgeon shall direct that an animal affected with Surra, while at the Surra Centre, be subjected to a suitable curative treatment.

(b) If the animal is in such a condition that it is considered that treatment would not be of any benefit, or if the owner is not willing to defray the expenses of treatment or the feeding of the animal while under treatment, the animal shall forthwith be destroyed.

(3) The Inspector shall not grant a licence for the release or removal of any animal from a Surra Centre unless he is fully satisfied that such animal has received the prescribed treatment and is not infective.

(4) No animal shall be removed out of an infected place without a licence signed by an Inspector under this Act.

12. *Scales of charges in respect of expenses incurred on behalf of the owner to be recovered under section 27 of the Act.*—The officer taking action under Chapter II of the Act in respect of any property shall frame a certificate of expenses incurred at the following scales of charges:—

- (a) For the disinfection of premises not exceeding Rs 5 **per** 100 square feet floor area.
- (b) For the disinfection of vehicle, vessel or other article not exceeding Rs 5 per article.
- (c) For the disposal of the carcasses—
 - (i) Not exceeding Rs 5 for cartage per animal.
 - (ii) Not exceeding Rs 20 for the burial of each carcass.
 - (iii) Not exceeding Rs 30 for the incineration of each carcass.
- (d) Feeding charges—not exceeding Rs 2 per day per animal.

The Inspector shall prepare the bill of such charges in Form I and send it to the District Magistrate of the District concerned for recovering the same from the person concerned.

Note.—All such charges are to be recovered from the owner of the animal and credited under head “XXX—Veterinary—Other Receipts—Other Receipts”.

13. *Report or Notices under the Act.*—The Veterinary Surgeon or the Inspector, as the case may be, shall submit a report of the action taken by him under the Act in respect of any animal to the Deputy Superintendent, Civil Veterinary Department, Punjab, of the district concerned and will seek instructions from him for any further action to be taken by him. The Deputy Superintendent shall report or bring to the notice of the Superintendent, Civil Veterinary Department, Punjab concerned of the action taken by him. The Divisional Superintendent, in turn, shall keep the Director, Veterinary Services, Punjab, informed of the action taken by his subordinates.

14. *Control on the Movement of Animals.*—The animal/animals so detained in the quarantine stations shall remain under the care of the owner or person in charge of the animal/animals who shall be responsible for their feeding and upkeep. He shall have to pay Re 1 for vaccination, marking etc. and the amounts so recovered are creditable to head “XXX—Veterinary—Other Receipts—Other Receipts”.

15. *Control on the sale or traffic of infective animals or carcasses of infective animals.*—When any place or any area has been notified or declared as infected, the sale of or other traffic in infective animals or in the carcasses of infective animals or in any parts of such animals, or litter, feeding utensil or other things which may carry infection shall be prohibited or restricted in the manner and to the extent laid down under these rules in respect of scheduled diseases.

16. *Disinfection of vessels or vehicles or buildings, yards or other places.*—The disinfection of vessels or vehicles used by common carriers the cleansing and disinfection of buildings, yards, and other places used for animals and the destruction of infected matter or things found therein or near thereto shall be done in accordance with rules laid down in the Appendix I.

17. *Diagnostic Tests.*—The diagnostic tests to be applied to animals suspected to be suffering from scheduled diseases shall be such as may be prescribed by the Director, Veterinary Services, Punjab, relating to such scheduled diseases.

18. *Disposal of animals, carcasses and other things seized under the Act.*—The destruction of animals and the disposal of carcasses or parts of carcasses, fodder, bedding or other things seized under the Act shall be done in accordance with these rules respecting scheduled diseases.

19. *Detention and Fees at the inter-provincial quarantine stations.*—
(i) The period of detention of animals at the inter-provincial quarantine stations shall be 10 days.

(ii) The fee for vaccination and marking of animals at the inter-provincial quarantine stations shall be Re 1 per animal. All such fee will be recovered from the owner of the animal and creditable under head “XXX—Veterinary—Other Receipts”.—Other Receipts.

APPENDIX I

Disinfection Rules

A—DISINFECTION OF BUILDING, YARD OR VESSEL

1. *Permanent Buildings.*—(a) Walls, roofs, floors, doors, fittings, partitions and windows shall be scraped free of adhering dirt and all scrapings, sweepings and other matter shall be effectively removed therefrom and from contact with animals and forthwith burnt or thoroughly mixed with quick lime.

(b) Disinfection shall be carried out either by flaming with a blow lamp, or scrubbing with one of the following prescribed disinfectants:—

- (1) Mercuric Chloride— 1 in 1,000 watery solution.
- (2) Carbolic acid—5 per cent watery solution.
- (3) Formaldehyde—1 per cent watery solution.
- (4) Phenyle solution in the proportion of the quart to ten gallon of water.
- (5) Fumigation with sulphurous acid gas by burning 1 lb. of sulphur for every 10 cubic feet and keeping the whole building tightly closed for at least twenty-four hours.

(c) Subsequently lime-washing or repainting shall be done as ordered by the Inspector.

2. *Temporary Buildings.*—(1) Temporary buldings shall be demolished and burned, or portions impossible to disinfect shall be demolished and burned.

(2) Wood work shall be flamed with blow lamp or washed with a prescribed disinfectant.

(3) Kutcha floor shall be covered with quick lime (fresh) dug up to depth of 3" and surface removed and buried. Quick-lime shall be scattered again and the area filled in with fresh earth.

(4) Paved yard and unpaved yard shall be disinfected in the same way as permanent bulding floor and kutcha floor respectively.

(5) Gates and fencing shall be scraped clean from adhering dirt, washed down with a prescribed disinfectant and lime-washed or repainted or tarred.

3. *Stable equipment.*—Buckets and other metal articles shall be sterilized with the blow lamp or a prescribed disinfectant. Harness, blankets, brushes, etc., shall be sterilized by sulphurous acid gas or burned at the discretion of the Inspector.

4. *Vessels.*—Standing floors, walls, partitions, etc., shall be scraped free from adhering dirt, washed down with a prescribed disinfectant, and limewashed or repainted.

5. A breach of any of the above rules shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of second or subsequent conviction to Rs 500.

B—DISINFECTION OF VEHICLES USED FOR THE CONVEYANCE OF ANIMALS

1. Every horse-box, cattle, truck or vehicle, used for the conveyance of animals shall, on every occasion, after an infective animal is taken out of it and before any other animal is placed therein, shall be rendered safe for use by cleansing and disinfection in the following manner:—

(a) The floors, sides and partitions and all other parts with which the droppings of the animals may have come in contact shall be thoroughly scraped and swept and all dung, fodder, litter scrapings, sweepings and other matter shall be effectively removed therefrom and from contact with animals and forthwith burnt or thoroughly mixed with quicklime.

(b) The whole of the box area and fittings shall be thoroughly scrubbed with hot water and brush and then thoroughly soaked with phenyle solution in the proportion of one quart to ten gallons of water followed by a thorough sprinkling with lime-wash to which 5 per cent of carbolic acid has been added.

(c) The manger and parts of the box adjacent thereto shall be specially cleansed and disinfected:—

Firstly by scraping so that all dirt, dust, or nasal discharge adhering thereto is effectively removed;

Secondly by scrubbing with a stiff brush and hot water;

Thirdly by lime-washing with freshly prepared lime-wash in the proportion of one maund of fresh lime to 20 gallons of clean water to which 5 per cent of carbolic acid has been added.

Unless all parts of the vehicle have been thoroughly cleansed the application of any form of disinfectant will not be considered to render it safe for use.

(d) Before such disinfected wagons are occupied by other animals it is necessary to brush off the dried limewash so that their eyes and nostrils are not affected.

2. A breach of any the above rules shall be punishable with a fine which may extend in the case of a first conviction to Rs 100 or in the case of a second or subsequent conviction to Rs 500.

3. On application to the station master of any station, Veterinary Officers shall forthwith be allowed to inspect any or all vehicles used for the conveyance of livestock which may at the time be standing at his station.

4. The administration of the several railways shall forward to the Director of Veterinary Services in the Province, served by them a list of their stations at which the cleansing and dissection of vehicles, under these rules, will ordinarily be carried out.

APPENDIX II

Certified that the animalof the following description being the property of....., son of..... resident of village..... Tehsil..... District..... is hereby permitted to be removed from the infected place/infected area/isolation camp/Segregation camp/quarantine station on the following conditions:—

- (1) The owner shall get the said animal inoculated or vaccinated against the disease.
- (2) The owner shall keep the animal segregated for a period of at least 10 days.

Veterinary Surgeon.

Dated_____

Inspector under the Act.

FORM I

Certificate for the recovery of charges

In accordance with the powers vested on me under section 27 of the East Punjab Animals Contagious Diseases Act, 1948, I,..... in my capacity as a Veterinary Inspector do hereby certify that the following expenses were incurred for the disinfection/disposal of the carcass feeding of.....and are recoverable from Shri....., son of Village..... Post Office..... District.....

Veterinary Inspector under the Act

THE EAST PUNJAB HOLDINGS (CONSOLIDATION AND
PREVENTION OF FRAGMENTATION) RULES, 1949

Title	1. These rules may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949.
Definitions	2. In these rules— (a) “Act” means the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, and (b) “Section” means a section of the said Act.
Mode of publication	3. Any matter required to be published, or of which public notice is to be given, under the Act, shall be published by exhibiting copies thereof in the estate or estates concerned in Urdu, Hindi, or Gurmukhi as may be deemed proper, and shall also so far as possible be announced in such estate or estates by beat of drum.
Preparation of scheme of consolidation	4. After the notification and publication under subsection (I) of Section 14, the Consolidation Officer shall visit each of the estate concerned after giving reasonable notice of his visit to the landowner thereof and shall in consultation either with the village panchayat or where no village panchayat exists with a village committee specially chosen from among the landowners for this purpose by him, put up a scheme for the consolidation of holdings. 5. Every such scheme of consolidation shall contain the following particulars :— (i) a statement of classification of land for the purpose of consolidation and the exchange ratio for conversion of one class into another ; (ii) a statement of valuation of lands, wells, trees, etc., to be exchanged showing the compensation to be given to or received by the holders concerned ; (iii) a brief statement as to the action, if any taken in pursuance of sections 17 and 18 of the Act ; and (iv) Such other particulars as may be considered expedient by the Settlement Officer in this behalf.
Draft scheme of consolidation to be explained to the persons affected thereby	6. In addition to publication under the provisions of rule 4, the draft scheme of consolidation shall be read over and explained by the Consolidation Officer to the persons likely to be affected thereby specially collected for the purpose. If any right-holder desires to have a copy of the proposed consolidation scheme, it may be supplied to him or her as the case may be on payment of the prescribed fee.
Repartition	7. The Consolidation Officer shall after obtaining the advice of the landowners of the estate or estates concerned, carry out repartition in accordance with the scheme of consolidation of holdings confirmed under section 20, and shall prepare the following repartition papers :— (i) a map of the village showing all the existing field numbers, recognized roads, and irrigation channels and areas assigned for public purposes, such as burial grounds, disposal of animal carcasses, ponds or grazing areas, etc., with new field numbers superimposed upon it in red lines or other markings ;

¹Vide P. G. notification No. 10954-D-49/7351, dated 8th December, 1949.

EAST PUNJAB HOLDINGS (CONSOLIDATION AND PREVENTION OF 541
FRAGMENTATION), RULES,

- (ii) another similar village map exhibiting the position emerging as a result of repartition ;
- (iii) a statement showing the names of the owners of holdings, with particulars of field numbers, shares, class of land, tenure, area, assessment and encumbrances, if any, after getting the record of rights up-to-date ;
- (iv) a statement showing the names of owners with particulars of all different rights possessed by each individually ;
- (v) a statement showing the compensation payable by or to an owner in order to adjust differences in the value of land exchanged under section 15 of the Act or due to the existence of wells, trees, etc., under subsection (4) of section 17 ;
- (vi) a statement showing the names of occupants or holders to whom the new consolidated holdings are allotted with particulars of field number, shares, class of land, tenure area, assessment and encumbrances, if any; and
- (vii) such other papers as may be considered expedient by the Settlement Officer (Consolidation) in this behalf.

8. The contents of the statements mentioned in items (iv) to (vii) of the preceding rule shall be read over and explained by the Consolidation Officer to the persons likely to be affected thereby specially collected for the purpose.

Repartition paper to be explained to the person affected thereby

9. After repartition has been confirmed and appeal against it, if any, has been finally decided, the Collector of the district shall take necessary steps for the redistribution of the assessment of the estate concerned, in accordance with subsection (2) of section 65 of the Punjab Land Revenue Act, 1887.

Redistribution of assessment

10. The Consolidation Officer shall serve a notice on the person or persons liable to eviction under subsection (2) of section 23 requiring him within fifteen days of the receipt of the notice to vacate the land. If such notice is not complied with within the time specified therein, the Consolidation Officer may exercise the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887, for the purpose and putting in physical possession of the holding the person entitled thereto.

Eviction

11. The amount of compensation payable by an owner under section 15 of the Act shall be deposited by him in the nearest Government treasury or sub-treasury and a copy of the receipt obtained by him in token of credit shall be produced by him before the Consolidation Officer.

Deposit of compensation

12. In transferring a lease, mortgage, debt, or other encumbrance under subsection (I) of section 26, the Consolidation Officer shall—

Transfer of encumbrance

- (i) if the new holding is of the same market value as the original one, transfer to the entire encumbrance attaching to the latter ;
- (ii) if the new holding is of a substantially greater market value than the original one, transfer to the former holding the encumbrance attaching to the latter, subject, in the case of a lease, to the condition that the lessee shall pay to the owner such reasonable rent in excess of the rent already payable under the lease as may be fixed by the Consolidation Officer

and in the case of any other encumbrance, subject to such reasonable reduction in the area or in the rate of interest as may be fixed by the Consolidation Officer, having regard to the substantially better security provided by the owner of the new holding.

Putting the encumbrance to possession. 13. If the lessee, mortgagee or other encumbrancer appears to the Consolidation Officer to be entitled to possession of a holding under section 26, the Consolidation Officer, shall issue a notice to the owner to show cause within fifteen days of the receipt of the notice why the lessee, mortgagee or other encumbrancer, as the case may be, should not be put in possession of such holding. If the owner fails to show cause or if the Consolidation Officer is satisfied that the cause shown by the owner is not adequate, he shall put the lessee, mortgagee or other encumbrancer as the case may be into possession of the holding, and the record of rights in respect of the holding shall be corrected accordingly.

Assessment, Collection, Refund, etc., of cost of Consolidation ¹[14. (i) The cost of consolidation proceedings shall be assessed at ²[Rs 4 per cultivated acre] or portion of an acre if the wattbandi is carried out by the persons, whose holdings are affected and at Rs 6-8-0 per acre if the wattbandi is carried out by or on behalf of the Consolidation Officer, at the option or default of the persons whose holdings are affected.

(ii) The cost of consolidation shall be payable by the persons, whose holdings are affected by the scheme of consolidation except that in the case of evacuee land, it shall be payable by an allottee in respect of land, which has been allotted to him on a quasi-permanent basis and the Custodian in the case of unallotted lands.

³[(iii) The cost of consolidation shall be collected in two half yearly instalments along with the Land revenue demand for Kharif and Rabi harvests ⁴[except when the Government directs otherwise by written order to collect this in more than two half-yearly instalments in hard and deserving cases]. After a notification under section 14(1) of the Act has issued, the patwaris shall prepare in form C.H.1, a list of assesseees from whom the cost of consolidation is to be recovered. This list will be arranged lambardar-wise.]

(iv) All entries in the list mentioned in sub-rule (iii) above shall be checked by the Girdawar Kanungo and read over and explained to the persons, whose holdings are affected by the scheme of consolidation. The Assistant Consolidation Officer shall check the entries in the list and the list duly signed on every page by the Patwari, Girdawar, Kanungo and the Assistant Consolidation Officer in token of its correctness shall be forwarded to the Consolidation Officer, who after countersigning it, shall return it to the Patwari

¹Substituted for the existing Rule 14, by Punjab Government notification No. 838-D-52/1757, dated 29th April/9th May, 1952.

²Substituted by Punjab Government notification No. 2312-D-52/2098, dated 28th May, 1952 (corrigendum) for the words "Rs 4 per acre."

³Substituted by Punjab Government notification No. 4655-D-53/3703, dated 6th May, 1953.

⁴Added by Punjab Government notification No 11820-D-56/4053, dated 5th September, 1956.

after the Wasil Baqi Nawis has noted the consolidated demand in a register in form C.H.2 maintained specially for the purpose. The Patwari shall copy out the list lambardar-wise and deliver the relevant papers to the lambardars concerned for collection.

- (v) Before the second instalment falls due the village Patwari, shall immediately after the preparation of preliminary record of the village particularly the Naqsha Haqdarwar draw up the list of 2nd instalment of cost of consolidation incorporating the changes, if any, in the first list of the cost of consolidation payable by the persons, whose holdings are affected by the scheme of consolidation. This list shall also be prepared, checked and authenticated and disposed of as laid down in sub-rule (iv) above.
- (vi) The excess cost of consolidation recovered from a person whose holdings are affected by the scheme of consolidation, shall be refunded under orders of the Settlement Officer to whom an application may be made for the purpose through the patwari of the village, who shall forward it through the proper channel after verification and report. The refund, however, shall be prepared in the office of the Settlement Officer and sent to the applicant through the Girdawar Kanungo, who shall obtain a receipt for it and return it to the Settlement Officer for record.
- (vii) The demand on account of cost of the consolidation will be due as soon as the list is in the hands of the lambardars or other persons entrusted with the collection and must be paid into the treasury not later than the dates given below:—

<i>Division</i>	<i>Kharif date</i>	<i>Rabi date</i>
Ambala ..	30th January	.. 30th June
Jullundur ..	1st February	.. 15th July

After the above dates process may be issued for recovery of arrears in the same way as for arrears of land revenue.

- (viii) The allowance to lambardars or other persons collecting the cost of consolidation shall be two per cent of the amount collected, unless otherwise expressly ordered by Government. The allowance will be conditional on the demand being paid in full for each estate by the date fixed in sub-rule (vii) above. The Collector of the district may retrench any sum out of the allowance for delay in payment of the demand into treasury.
- (ix) A monthly return in form C.H.2 appended hereto shall be forwarded by the Collector to the Commissioner of the Division with a copy of it to the Director, Consolidation of Holdings, by the seventh of the month following that to which it relates. In this return shall be entered the demand for the harvest, arrears (if any) and payment received during the month.

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OF FRAGMENTATION) RULES

Appointment of guardians of minors. 15. Where any of the land-owners is a minor, the Consolidation Officer may after making such enquiries as may be necessary and by an order in writing, appoint a suitable person whose interest is not adverse to that of the minor as guardian *ad litem*. Similar action may be taken in the case of widows, absentees, soldiers or others, if considered necessary.

16. The area to be reserved for the common purpose of extension of abadi for proprietors and non-proprietors under section 18 (c) of the Act shall be reserved after scrutinizing the demand of proprietors desirous of building houses and of non-proprietors including Harijan families working as agrarian labourers who are in need of a site for house. The land reserved for extension of abadi shall be divided into plots of suitable sizes. For the plots allotted to proprietors area of equal value shall be deducted from their holdings but in case of non-proprietors including Harijan families these shall be allotted without payment of compensation and they shall be deemed to be full owners of the plots allotted to them.]

Form C. H. 1

Recovery Fard of Consolidation fee of Village—Hadbast No.—
Tehsil—District—.

Serial No.	Names of persons whose holdings are affected	No. of Khewats/ Khataunies	Area on which consolidation fee has been assessed in acres	Rate of consolidation fee (per acre)	Demand	REMARKS
1	2	3	4	5	6	7

Notes—

- (i) Columns Nos. 2 and 4 Names of persons whose holdings are affected parentage and caste with details of rights (owners, occupancy tenants, sanjjidars) and area should be entered according to the latest Jamabandi of the village.
- (ii) Column No. 3 .. Khewats and Khataunies should be written in respect of each person whose holdings are affected and has interest in them.
- (iii) Column No. 5 .. Rate of consolidation fee per acre should be entered in this column.
- (iv) Column No. 6 .. The demand of consolidation fee due from the persons whose holdings are affected should be entered in this column.
- (v) Column No. 7 .. In case there is any change under the orders for mutation, etc., after the preparation of the list a mention should be made in the remarks column.

⁴Added by Punjab Government notification (No. 933-D-56/369) (CH), dated 3rd March, 1956.

**EAST PUNJAB HOLDINGS (CONSOLIDATION AND PREVENTION OF 545
FRAGMENTATION) RULES**

Form C.H. 2

*Statement showing the Consolidation fee realised in the _____
District during the month of _____ 19 .*

Demands, Collections and Balance	Balance outstanding at the end of past year	Rabi 19	Kharif 19
	Rs A. P.	Rs A. P.	Rs A. P.
Balance of former demands <i>add</i> —Demands received during the month ..			
Total ..			
Subtract remission authorised by the Consolidation Department			
Balance ..			
Realization during the month ..			
Balance of demands remaining for realization ..			

Details of balance of past year Harvest.

Amount

Rs. A. P.

Balance of last account	Since au- thorised by Settlement Officer, Consolida- tion of Holdings	<i>Fees to Lambardars</i>				Balance payable
		Total	Paid dur- ing the month	Retrench- ed by S.O. or Collector	Total	
Rs. A. P.	Rs A. P.	Rs, A. P.	Rs A. P.	Rs A. P.	Rs A. P.	Rs A. P.

Dated _____ 19

No. _____, dated _____

From

Collector _____

To

The Commissioner, Division

Director, Consolidation of Holdings

¹ The East Punjab Tractor Cultivation (Recovery of Charges)
Rules, 1949

1. These Rules may be called the East Punjab Tractor Cultivation (Recovery of Charges) Rules, 1949.

2. In these rules unless there is anything repugnant in the subject or context, "Appropriate Head" means head "XXIX—Agriculture—Payments for service rendered".

3. A cultivator shall make an application in writing in the form attached to these Rules, to the Director (or any Deputy Director duly authorised by him) for having any agricultural operation performed by tractors on his land or any part thereof.

4. (i) A cultivator, other than a refugee cultivator, shall either deposit in a Government Treasury under the appropriate Head or remit by Money Order or Postal Order to the Deputy Director full tractor cultivation charges according to the scale prescribed in rule 5.

(ii) In exceptional cases, if a cultivator is unable to pay full tractor cultivation charges along with the application, he may explain his circumstances in detail for allowing him to remit only a part of the tractor cultivation charges with the application and to pay the balance after mechanical operations have been completed on his land. The Director on receipt of such an application, may allow the applicant in the manner prescribed to deposit a sum not less than 25 per cent of the total cultivation charges as the circumstances in each case permit. In such a case the cultivator shall furnish a personal security bond for the balance of sum due from him.

(iii) A refugee cultivator desiring to have agriculture operations performed by a tractor on his land shall, along with his application furnish a personal security bond in lieu of the deposit, equal to the total amount of the tractor cultivation charges.

(iv) Any application which is not accompanied by a deposit or a personal security bond shall not be considered.

²[5. (i) The scale of tractor cultivation charges will be as follows:—

<i>Rates in force from 1st May, 1951</i>		<i>Rates in force from 1st October, 1951</i>	
	Rs		Rs
(i) Ploughing (operation once) banjar land	30 per acre	35 per acre for 1st 100 acres	
		33-8-0 per acre for next 150 acres	
		32 per acre for next 250 acres	
		30-8-0 per acre for next 500 acres	
		29 per acre for area above 1,000 acres	
(ii) Ploughing land under cultivation (operation once)	18 per acre	18 per acre	

¹Vide Punjab Government notification No. 1561-Agr-49/125, dated 8th September, 1949.

²Substituted by Punjab Government notification No. 9350-FP-51/5254, dated 22nd November, 1951.

	<i>Rates in force from 1st May, 1951</i>	<i>Rates in force from 1st October, 1951</i>
	Rs	Rs
(iii) Discing (operation once) ..	12 per acre	12 per acre
(iv) Cultivation (operation once)	7 per acre	7 per acre
(v) Sohaga (operation once) ..	7 per acre	7 per acre
(vi) Disc Harrow (operation once)	7 per acre	7 per acre
(vii) Seed Drill (operation once)	7 per acre	7 per acre
(viii) Sohaga if combined with another implement	3 per acre	3 per acre
(ix) (a) Levelling and thrashing, etc., by tractors with D. B. H. P. 40 and above	15 per hour	15 per hour
(x) (b) Levelling and thrashing, etc., by tractors with D.B.H.P. 30 to 40	14-4-0 per hour	14-4-0 per hour
(xi) (c) Levelling and thrashing, etc., by tractors with D.B.H.P. below 30	7-8-0 per hour	7-8-0 per hour]
¹ [(xii) Bull-dozing	25 per hour]	

²[(ii) With a view to enabling the Director to entertain an application for tractor cultivation, there should be a minimum area of 40 acres, if the distance between the places where the tractor cultivation operations are being carried on and the place of the applicant/applicants is not more than 30 miles, but if the distance exceeds 30 miles the minimum area for tractor cultivation should be 80 acres. For this purpose any number of cultivators may make a joint application specifying the land of each cultivator for having any agricultural operation performed by a tractor.

³[(iii) No single field smaller than two acres in area and less than 150 feet in width will be taken up for tractor cultivation work]

(iv) (iii) A sum of Rs 1-8-0 per mile will be charged from the cultivator for transportation of a tractor to his land from the last place of working if the tractor is transported by road. In case of transportation by rail the actual expenditure incurred will be realized.

(v) Fuel oil and lubricants will be provided by Government but the transportation charges of the same will be borne by the cultivators from the last place of working to the nearest Store Depot of the Agriculture Department or source of supply.]

⁴[(vi) Only one implement will be carried with the tractor to the fields of the cultivators. Any other implement required will be carried at the expense of the cultivator from the stores to the fields and back. In case a neighbouring cultivator who requires implements other than the one originally supplied with the tractor for performing any other set of operations, the transportation charges of the 2nd implements, so requisitioned, will be met by him.]

6. In case an application made under rule 3 is rejected for any reason, the amount deposited shall be refunded to the depositor. The remittance charges, if any, shall be deducted from the total amount to be refunded.

7. As soon as mechanical operations have been completed on the land of a cultivator he shall furnish a "Completion Certificate" attached to these rules, to the Deputy Director.

¹Inserted by Punjab Government notification No. 4335-FP-52/2956, dated 19th June, 1952.

²Substituted by Punjab Government notification No. 1939-FP-50/1257, dated 17th March, 1950.

³Added by Punjab Government notification No. 4561-FP-50/2783, dated 5th July, 1950. Existing clauses (iii) and (iv), renumbered as clauses (iv) and (v), respectively.

⁴Inserted as clause (vi), by Punjab Government notification No. 4335-FP-50/2956, dated 19th June, 1952.

8. (i) A cultivator other than a refugee cultivator who has deposited a part of the total cultivation charges at the time of his application, shall deposit, within one month of the date of receipt of notice of demand in the form attached, the balance of tractor cultivation charges in a Government Treasury under the appropriate head and send the treasury receipt to the Deputy Director concerned. This amount can also be remitted by money order or postal order to the Deputy Director.

¹[(ii) (a) A refugee cultivator shall, in respect of reclamation of banjar land by tractor cultivation, deposit in four-yearly equal instalments the full amount of tractor cultivation charges specified in the notice of demand in a Government Treasury under appropriate head or send it by Money Order or Postal Order to the Deputy Director of Agriculture, Tractor Cultivation, by the 15th June of each successive year, failing which the amount due will be recovered as "arrears of land revenue". A Treasury receipt for cash deposited in the treasury shall be sent to the Deputy Director of Agriculture, Tractor Cultivation.

Note.—The reclamation operations at the maximum, shall include ploughing once, sohaga once and discing once.

(b) A refugee cultivator shall, in respect of any other land under tractor cultivation, deposit in full the amount of tractor cultivation charges specified in the notice of demand in a Government Treasury under appropriate head or send it by Money Order or Postal Order to the Deputy Director of Agriculture concerned not later than the 15th January in respect of tractor cultivation done for kharif crops, and 15th June in case of such cultivation done for rabi crops. A treasury receipt for cash deposited in the treasury shall be sent to the Deputy Director of Agriculture concerned.]

²[9. The land where the tractor is required to work must be in good *watter* and should be free from bushes, shrubs, stumps of trees, etc., or even thick reeds and weeds which are likely to cause damage or obstruction to the implements of the tractor.

10. Necessary storage accommodation for the tractor and its equipment as also accommodation for the driver and cleaner will be provided by the cultivator.

11. The cultivator will be responsible for the safe custody of tractor, implements, petrol, fuel oil and lubricants while they remain on his land.

12. If the tractor remains idle due to any fault of the cultivator, a charge of Rs 3 per hour will be made for the period it remains on his land.

13. Government will not become liable to finish the work taken in hand, if due to the breakage of machinery or any other reason it is necessary to discontinue the work. In that case the balance of advance deposit after adjusting charges due, if any, will be refunded.

14. In case of any dispute between the cultivator and the tractor cultivation staff or on the scale of cultivation charges on the area for agricultural operations the decision of the Director or the person authorised by him will be final.]

¹Substituted by Punjab Government notification No. 4335-FP-22/2956, dated 19th June, 1952.

²Rules 9 to 14 added by Punjab Government notification No. 1939-FP-50/1257, dated 17th March, 1950.

NOTICE OF DEMAND

FROM

The Agriculture Assistant (Tractor Cultivation).

To

Name_____

Father's name_____

Village_____

Post Office_____

Tehsil_____

District _____

No. _____, dated_____

DEAR SIR,

This is to inform you that a sum of Rs._____on account of the tractor operations carried out by the Department of Agriculture, East Punjab, on your lands, in accordance with your application, dated_____and accepted by you as correct in the Completion Certificate, dated_____, given by you to this department are due from you by_____

You are, therefore, hereby required to pay the above amount by the above date to the Deputy Director of Agriculture, Tractor Cultivation, Karnal, or remit the same to the said Deputy Director direct under advice to me.

Yours faithfully,

Agriculture Assistant (Tractor Cultivation)

COMPLETION CERTIFICATE

To

The Deputy Director of Agriculture,
Tractor Cultivation, Karnal.

SIR,

I hereby declare that my land measuring_____situated in Village_____, Tehsil_____, District_____, has been given complete/preparatory cultivation between_____ to my satisfaction.
date

Yours faithfully,

Signature_____

Village_____

Post Office_____

Tehsil_____

District_____

EAST PUNJAB TRACTOR CULTIVATION (RECOVERY OF CHARGES) RULES

APPLICATION FORM

To

The Deputy Director of Agriculture, Tractor Cultivation,
Karnal

Sir,

I hereby declare ^{that I have studied the conditions laid down in the East} ~~that the conditions laid down in the East Punjab Tractor~~ Punjab Tractor Cultivation (Recovery of Charges) Act, and Rules framed there-
Cultivation (Recovery of Charges) Act, 1949 and Rules framed thereunder have
under _____ and I agree to abide by these conditions. I, there-
been read to me

fore, request that my land measuring _____

_____ situated in village _____ may be given ^{complete} ~~complete~~
cultivation between _____ to _____ preparatory
date date

Yours faithfully,

Signature _____

Village _____

Post office _____

Tehsil _____

District _____

THE PUNJAB RECLAMATION OF LAND RULES, 1950

1. These rules may be called the Punjab Reclamation of Land-Rules, 1950.

2. (i) Before the reclamation operations start the owner shall be at liberty to remove the trees from his land but if he exercises the option he shall have to remove the trees to a depth of 2 feet below the ground level.

(ii) If the owner does not want to cut the trees as provided in sub rule (i) he shall be paid the compensation under the Land Acquisition Act, 1894, as amended by the East Punjab Act XV of 1948.

3. Compensation for standing crops shall be allowed to the owner of the land under the Land Acquisition Act of 1894, as amended by the East Punjab Act XV of 1948.

4. The owner or owners of the intervening cultivated areas acquired or temporarily occupied under section 4 of the East Punjab Reclamation of Land Act, 1949, shall be paid compensation as provided in the Land Acquisition Act of 1894, as amended by East Punjab Act of 1948.

¹Vide Punjab Government notification No. 2611-FP-50/521, dated 3rd February, 1950.

¹THE PUNJAB UTILIZATION OF LANDS RULES, 1950

1. These Rules may be called the Punjab Utilization of Lands Rules, 1950.

² [2. In computing the expenditure, if any incurred in relation to any preliminary process incidental to the utilization of the land taken over by the Collector or in connection with any additional staff or services rendered necessary for such utilization, which it is proposed to deduct from the compensation payable, the Collector shall proceed as follows :—

Payment of compensation to land-owners.

The total acreage of waste land actually taken over by the Collector under section 3 of the Act in the district in a particular year should be ascertained. Next the expenses incurred in relation to any preliminary process incidental to the utilization of the land or in connection with any additional staff appointed or services rendered for such utilization during the year should be calculated. These expenses should cover :—

- (a) the total cost of any additional staff (including contingencies) employed for the purpose.
- (b) the cost, if any, of the stationery and survey material, etc., used in connection with the utilization of the land in the year.
- (c) any other cost specifically incurred in connection with the utilization of the land.

The expenditure worked out for the year in question should be divided by the total acreage of waste land taken over in that year. The sum thus determined would give the expenditure per acre. A deduction shall be made out of the compensation to be paid to the owner of the land at the rate per acre worked out above and the balance shall be paid to the owner as compensation for that year with respect to his land taken over under the Act.]

3. Leases granted by the Collector under Section 5 and their termination under section 7 shall be duly recorded in the revenue papers.

4. The delegation of powers and functions under the Act by the Collector shall be made in writing and addressed to the officer concerned either by name or designation under his seal and signature.

¹Vide Punjab Government notification No. 1768-FP-50/786, dated the 20th February, 1950.

²Substituted by Punjab Government notification No. 8392-FP-53/4608, dated the 7th December, 1953.

**¹THE PUNJAB BETTERMENT CHARGES AND
ACREAGE RATES RULES, 1955****Rules issued under the " Punjab Betterment Charges and Acreage
Rates Act, 1952 "**]

Short title 1. These Rules may be called the Punjab Betterment Charges and
Acreage Rates Rules, 1955.

Definitions.

2. In these Rules :—

- (a) " The Act " means the Punjab Betterment Charges and Acreage Rates Act, 1952.
- (b) " Perennial Irrigation " means canal irrigation available throughout the year.
- (c) " Restricted Perennial Irrigation " means the canal irrigation available throughout the year except during the months of July and August.
- (d) " Kharif irrigation " means canal irrigation available during the months April to September, both inclusive.
- (e) " Rabi Irrigation " means canal irrigation available during the months of October to March, both inclusive.
- (f) " Included lands " means land for which canal water has been provided in a duly sanctioned ²[Outlet] under any irrigation scheme coming within the purview of this Act. Any area subsequently incorporated in the scheme shall also be considered to be " included lands ".
- (g) " Board " means a Committee consisting of a Revenue Officer of the rank of a Collector and a Canal Officer of the rank of a Divisional Canal Officer, appointed by Government for appraisement of the enhancement in the value of lands included in an irrigation scheme for the purpose of levy of Betterment Charges.
- (h) " Chief Engineer " means Chief Engineer for the time being in charge of the scheme for the purposes of levy of Betterment Charges.

³[(i) Outlet—the term used to designate the work which passes water from Government Channels to a water course.]

Mode of publications. 3. Any proposal by Government to levy Betterment Charges on lands included in any irrigation scheme or any other matter requiring publicity under the Act, shall be published in the Official Gazette and certified copies and translations thereof in Hindi, Gurmukhi, or Urdu shall be posted:—

¹Vide P.G. Notification No. 326/CA/1544/52, dated 12th February, 1955.

²Substituted by P.G. Notification No. 3986/CA/1544/52, dated 1st October, 1955, for the word "Chakbandi".

³New clause (i) added by *ibdi*.

- (a) at the offices of the Deputy Commissioner and the Divisional Canal Officer concerned ;
 - (b) at conspicuous places in the locality affected by the proposal such as Tehsils and Thanas, etc.
- and by beat of drum or oral proclamation or other customary methods.

4. (1) The entire area included in an irrigation scheme shall be divided by the Board into blocks or assessment circles so as to have more or less uniform physical characteristics of soil in each block or circle as per classification in the last settlement, taking note of any changes which may have affected the productivity of the soil or the area concerned.

Method of appraisement of enhancement in value of land.

¹[(2) The board shall work out for each class of land in an assessment circle an estimate of net assets in cash as defined in clause (18) of section 3 of the Punjab Land Revenue Act, 1887 (Act, XVII of 1887)

- (a) for the date prior to the commencement of the scheme as fixed by Government by notification under section 5 of this Act ; and
- (b) for the date after such commencement as the Government shall fix by notification under section 5 of this Act, subject to the following:—
 - (i) The rates to be adopted for various commodities of produce of land, labour and any other expense, shall be those prevalent in the year of that date.
 - (ii) for the purpose of calculating the net assets both for pre-scheme and post scheme dates, the share that would be retainable by a tenant if the lands were let to a non-occupancy tenant paying rent, whether in kind or cash, shall be two-third of the produce].

* * * * *

²(3) Value of the land of land-owner or any occupancy tenant will be taken as 30 times his net assets.

²(4) The Betterment Charges shall be calculated with reference to classes of lands recorded in the last settlement and as modified in the latest Revenue Record available and also with reference to different types of irrigation facilities provided for any particular types of land.

5. A draft of the schedule of betterment charges prepared under section 4 (1) after approval by Government, shall be published in the Official Gazette and in the manner provided in Rule 3. This Schedule will include information regarding rates per acre payable as Betterment Charges for each class of land.

Publication of Draft Schedule of Betterment Charges.

- (a) when paid in lump sum,
- (b) when paid by instalments,
- (c) maximum number of instalments allowed for payment.

6. Any aggrieved land-owner or occupancy tenant may present a petition in writing to Government through the Divisional Canal Officer within 60 days of publication of draft Schedule in the Official Gazette or from the date of its publication in the village, whichever is later, stating his objections to the levy of Betterment charges or the rate thereof. The Divisional Canal Officer shall transmit the petition to the Board as soon as possible, and the Board shall consider the objections and submit their report thereon to the Government through the Chief Engineer.

Disposal of objections to Schedule of Betterment Charges.

¹.Substituted by Punjab Government notification No. 535-CA-1544/52, dated 10th September, 1956

².Sub-rule (3) omitted and sub-rules (4) and (5) renumbered as sub-rules (3) and (4) respectively, by *ibid.*

Publication of final Schedule of Betterment Charges.

7. After considering the report of the Board, and after further enquiry, if any, the Government shall determine the final schedule of betterment charges and publish the same in the manner laid down for publication of the draft schedule in Rule 3 above.

Procedure for altering rates of Betterment Charges when improvement is made in an irrigation scheme already subject to levy of Betterment Charges.

8. If lift irrigation arrangements in regard to any land, are converted into gravity flow irrigation, the full betterment charges will be leviable from the assessee who may be required to pay the higher rate of betterment charges from the date the said conversion is effected, the number of instalments for payments remaining the same.

Procedure for working out Acreage Rates.

9. The acreage rate shall be worked out by the Divisional Canal Officer on the basis of the estimated cost of one or more works or measures mentioned in section 6 (1) of the Act after consulting, where necessary, the Revenue or Colonization Officer concerned. The Divisional Canal Officer will then submit his proposals to the Government through the Chief Engineer.

Publication of Schedule for Acreage Rate.

10. The procedure for publication of the Draft Schedule of acreage rates and for receipt and disposal of objections of persons, by whom they are payable, and for publication of final schedule will be the same as that for betterment charges under these Rules.

No objection to be entertained to various schedules on the charge of ownership after the expiry of date for receiving objections.

11. No transfer of ownership after the period of limitation prescribed for objections to draft schedules for betterment charges or acreage rates or on any day after the publication of the final schedules shall give any right to the transferee for making fresh objections.

Distribution of Demand Slips.

12. As soon as the Demand statements in respect of Betterment charges or Acreage rates for any village are completed under section 8 (1) of the Act, the Divisional Canal Officer shall forward the Demand Slips meant for assessees to the Canal Patwari, who will deliver them to the Lambardar concerned within five days of their receipt by him. The Lambardar will serve them among assessees, or, in case of their absence, to their recognized Agents or an adult male member of the family of an assessee within 7 days of receipt of these Demand Slips from Patwari. The acknowledgements of assessees or of their Agents or adult member of the family for Demand Slips shall be submitted by Lambardars to Divisional Canal Officer by registered post or through the Canal Zilladar concerned within 10 days of their receipt from the Canal Patwari.

Submission of Demand Statement to Tehsils.

13. One copy of demand slips consolidated in the form of a Demand Statement for each village shall be sent to the Tehsil concerned on the same date as are fixed by the Financial Commissioner for despatch of demand statements for Occupier's Rates by Divisional Canal Officer for each crop.

Objections by assessees to demand and their disposal

14. (a) Any land-owner or occupancy tenant may present his objections against the demand to the Divisional Canal Officer or the Deputy Collector concerned within thirty days of the date of service of the demand slips or where the demand slips were not duly served when he has knowledge of the demand against him.

(b) The orders of the Divisional Canal Officer or the Deputy Collector, as the case may be, on such objection will be appealable to the Commissioner of the Division concerned, within 30 days of the date of such orders.

(c) No objection to the demand at the time of collection of betterment charges or acreage rates shall be entertained, and their collection shall not be suspended except on the receipt of an intimation from the Divisional Canal Officer that an objection has been admitted by him.

15. Any amount due from an assessee, under a notice of demand for betterment charges or acreage rates, shall be paid to the lambardar concerned within 30 days of the receipt of the notice. Procedure of Recoveries.

16. On publication of the final schedules of Betterment Charge, under section 4 (5) and of acreage rates under section 6(4) of the Act, the Divisional Canal Officer shall publish a notice in the village affected thereby, that the land-owner or occupancy tenant should intimate to him through an application, in writing, within 30 days of the notice, his option with regard to the manner of payment by him. The notice will state that the option is to be exercised between— Option of assessee for mode of payment.

(a) one lump sum payment.

(b) by half-yearly instalments spread over a number of years as decided by Government, maximum number of instalments not exceeding 30 ;

(c) offering a part of his land in lieu of full or part payment of betterment charges due from him.

If no intimation is received by the Divisional Canal Officer from any land-owner or occupancy tenant within the prescribed period, the recoveries will be made from him in instalments.

17. The land-owner or occupancy tenant will have the option, after payment of the first or any subsequent instalment, to pay the balance in one lump sum according to the amount outstanding against him less interest charges included in the balance for payment by instalments. Assessee can alter his option subsequently.

18. In computing the amount of each instalment, simple interest at $4\frac{1}{2}$ per cent per annum shall be taken into account. Similarly, $4\frac{1}{2}$ per cent simple interest will be charged on all sums not paid on the due date. Rate of interest on instalments.

19. Surrender of land by any assessee in lieu of full or part payment of betterment charges shall be accepted only if — Conditions for surrender of land in lieu of Betterment Charges.

(a) the area to be surrendered is free from all encumbrances.

(b) it does not reduce the holding of the assessee to less than 20 ordinary acres, and

(c) the area to be surrendered is in a compact block of not less than 5 ordinary acres.

20. Where land in lieu of betterment charges has been accepted by the Divisional Canal Officer after due investigation, he will evaluate the area surrendered at such rates as may have been fixed by the Board for such class of land with reference to the date subsequent to the commencement of the irrigation scheme fixed under section 5 (1). The decision of the Divisional Canal Officer shall be subject to the final approval of the Superintending Canal Officer.

Disposal of
lands surren-
dered.

21. The land accepted in lieu of Betterment Charges shall be disposed of in such manner as Government may, think fit, and the proceeds thereof shall be credited to the Irrigation Scheme concerned.

Apportion-
ment of dues
between
owners and
occupancy
tenants.

22. The apportionment of betterment charges and acreage rates between land-owners and occupancy tenants will be carried out by the Divisional Canal Officer or the Deputy Collector or other Revenue Officer of the District concerned, in accordance with their rights as entered in the Revenue Records.

Apportion-
ment of dues
among joint
ownerships.

23. If any land on which betterment charges are levied, is owned by more than one person, or is in possession of more than one occupancy tenant, the Divisional Canal Officer or the Deputy Collector or other Revenue Officer, on receipt of an application from any one of the owners will apportion betterment charges amongst all owners or occupancy tenants according to their share in the said land or tenancy as given in Revenue records. But nothing contained herein shall affect joint and several liability to pay full amount of betterment charges.

Rules regu-
lating the
service of
summons and
notices, etc.

24. Except as otherwise provided in these Rules, every summons, notice, order and requisition which, under the Act, or the Rules made thereunder, is required to be served on, or issued, delivered or communicated to any person, shall be so served, issued, delivered, or communicated, as the case may be, as hereinafter provided :—

- (1) Every such summons, notice, order or requisition shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same under his seal.
- (2) Every summons, notice, order or requisition, which is required to be served on or delivered or communicated to any person, shall, whenever possible, be so served, delivered or communicated :—
 - (a) personally on or to the person to whom it is addressed, or, failing him.
 - (b) on or to his recognised agent, or, failing such agent,
 - (c) on an adult male member of his family usually residing with him.
- (3) If service, delivery or communication cannot be so made or effected, or if acceptance is refused the summons, notice, order or requisition may be served, delivered or communicated by posting a copy thereof at the usual or last shown place of residence of the person to whom it is addressed, or to be communicated, or if that person does not reside in that district, then in such manner as the officer authorised to issue or make the same may direct.
- (4) If the summons, notice, order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable, it may be served, delivered or communicated by delivery of a copy thereof to such of those persons as the officer authorised to issue or make the same specially nominates in this behalf, and by proclamation to be made by beat of drum or other customary method of the contents thereof for the information of the other persons interpo-

- (5) A summons, notice, order or requisition may be served on, or delivered, or communicated to the person named therein, either in addition to, or in substitution of, any other mode of service, by forwarding the summons, notice, order or requisition by post, in a registered letter addressed to that person.
- (6) When a summons, notice, order or requisition is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered the officer authorised to issue or make the same may presume that the summons was served at the time when the letter would have been delivered in the ordinary course of post.
- (7) In every case in which service of any process is not effected personally, the officer authorised to issue the same shall satisfy himself, by examining the process server or otherwise, that such service has been duly effected in the manner required by these rules.

25. In case of evacuee lands, demands for betterment charges and acreage rates shall be presented to the Custodian of Evacuee Property. Quasi-permanent allotment of evacuee lands.

26. Where a landowner or occupancy tenant fails to irrigate during any crop, himself or through his tenant, a part or whole of his area included in the irrigation scheme, no exemption will be granted in respect of Betterment Charges on acreage rates payable in respect of such un-irrigated areas. Exemption not permitted.

27. Every entry recorded in the Revenue Records shall be relevant as evidence in any dispute as to the matters relating to the assessment of Betterment Charges and acreage rates and shall be presumed to be true until the contrary is proved or a new entry is substituted therefor in accordance with the procedure prescribed by law. Acceptability of Civil records as evidence.

28. If, after delivery of the demand slips to the assessee, any addition is made to the demand, or any suspension is allowed under the Act or rules thereunder, such addition or suspension shall be communicated to the owner or occupancy tenant, as the case may be, by means of supplementary demand slips. Demands shall be shown in black ink, and suspension in red ink. All such alterations as are made before the despatch of the Demand Statements to the Tehsil concerned under Rule 13 *supra* shall be included in that document and shall also be written on slips similarly printed and attached to the Demand Statement. Alterations made after the despatch of the Demand Statement shall be intimated to the Tehsil concerned in a supplementary consolidated statement after 60 days. Any addition or suspension allowed thereafter shall be similarly incorporated in the Demand Statement for the succeeding harvest. Due intimation will be given about additions and suspension to assessee concerned by issue of supplementary demand slips in the manner prescribed in Rule 12. Method of dealing with alteration in demand.

29. No additional demand shall be prepared and no suspension shall be granted where the amount for any individual demand amounts to Re 1 or less for acreage rates, or for betterment charges. Minimum amounts for additions and remission.

30. The dues on account of betterment charges or acreage rates shall not lapse on account of their not having been demanded within a certain period. Demand for betterment charges and acreage rates not to lapse

Irrecoverable balances. 31. When balances are found to be irrecoverable owing to want of assets, the defaulter absconding, or any other cause, they shall be reported to the Collector of the District, who if, he sees fit, will forward such cases to the Commissioner for action under the Punjab Land Revenue Act, as amended by Punjab Act XLV of 1953.

Lambardars to issue receipts for collection. 32. Receipts shall invariably be given by the Lambardar or other persons making the collection to each assessee on payment of Betterment charges or acreage rates on prescribed printed form.

Unit of area for calculation of Betterment Charges and Acreage Rates. 33. (a) For purposes of calculating acreage rates, fraction of less than half acre shall be ignored and areas of more than half and less than one acre shall be counted as one acre.
(b) For calculating the betterment charges, the exact area shall be the basis of charge.

Demand statement to be accessible to assessee. 34. The Canal Patwari shall be responsible for ensuring that the village copy of the Demand Statement is at all times accessible to any person who is liable to pay betterment charges or acreage rates.

MISCELLANEOUS

Condonation of period of Limitation in certain cases. 35. An appeal may be admitted after the period prescribed up to 6 months when the appellant satisfies the appellate authority that he had sufficient cause for not presenting the appeal within such period.

If the period prescribed expires on a day when the office of the appellate authority is closed, the appeal may be presented on the day the office re-opens.

Calculation of period. 36. The period prescribed shall be calculated from the date of decision or order appealed from, and, in computing such period, the day when the decision or order was made, and the time spent on obtaining a copy of the decision or order appealed against shall be excluded.

Form of appeal. 37. The application for admission of an appeal shall be stamped in accordance with the law in force relating to Court Fees, and shall be accompanied by a copy of the decision or order appealed against, and shall state concisely the grounds upon which the appeal is preferred.

When appeal may be summarily rejected. 38. The appeal may be rejected if, upon a perusal of the grounds of appeal and the copy of the decision or order appealed against, it appears to the appellate authority unnecessary to call for the proceedings.

Procedure on admission of appeal. 39. If the application be granted, an entry thereof shall be made in a register of appeals numbered consecutively, and a day shall be fixed for the hearing of the appeal.

Notice of hearing to be given. 40. Unless the appeal is rejected under Rule 38 notice of the date and place fixed for the hearing of the appeal shall be given to the appellant in such manner as the appellate authority may direct, and to every other party to the case whose interest is opposed to that of the appellant in the manner hereinafter prescribed.

Contents of notice. 41. A written notice containing the title of the appellate authority, the names of the parties, the date and place fixed for the hearing of the appeal, and such other particulars as the appellate authority may, by general or special order, direct shall be issued in duplicate under the hand and seal of this authority.

Mode of service. 42. All notices and processes issued in connection with appeal shall be served in the manner prescribed for the service of summonses and notices generally.

43. When personal service is affected, the addressee shall be required to acknowledge the service by affixing his signature, seal or mark on the back of the duplicate copy to be retained by the serving officer. Acknowledgement of personal service.

44. The Serving Officer shall, in every case, endorse on the duplicate copy a memo, signed by him, of the date and mode of service, and return each copy to the authority which issued it. Memorandum by serving officer.

45. The hearing of an appeal may be postponed or adjourned, from time to time, as the appellate authority may see fit, by written order to direct, to any subsequent date, and notice of such date shall be given to the parties in such manner as the authority may direct. Hearing may be postponed or adjourned.

46. Except in cases falling under Rule 38 the appellate authority shall not proceed to the hearing of an appeal unless and until it is satisfied that notice of the date and place fixed for such hearing has been received by the parties concerned in sufficient time to permit them to appear or to be represented at such hearing ; provided that the appellate authority may presume that notice has been received when a written notice has been served in any of the ways described in these rules ; provided also that an appeal may be heard and decided, notwithstanding the absence of any party who in spite of due service of the notice does not appear on the day for hearing the appeal. Court to be satisfied before hearing that notice has been received by parties.

47. *Procedure for hearing and disposing of appeals.*—

(a) The appellate authority before passing order or decision on the appeal, shall record in writing which (if any) of the parties to the appeal are present, in person or by representative, at the hearing thereof. What parties present.

(b) The appellate authority, if it thinks further enquiry necessary, may conduct such enquiry itself. Further enquiry by appellate court.

(c) When the hearing of the appeal is concluded, decision or order of the appellate authority, shall, when practicable be pronounced forthwith and shall be recorded in writing and be signed by the appellate authority and the substance thereof shall be explained to such of the parties, or their representatives, as are present when the decision or order is pronounced or given. The decision or order of court.

(d) Every decision or order recorded in English shall be translated into Hindi or the current language of the locality, and the translation shall be authenticated by the signature of the appellate authority and filed with the proceedings. Translation thereof.

48. A copy of the decision or order shall be transmitted by the appellate authority to the officer from whose decision or order the appeal was preferred. Copy thereof to be sent to Subordinate officer.

49. A copy of the decision or order of the appellate authority, in English, Hindi or Punjabi, shall be granted to any person concerned or interested therein, who shall apply for the same, upon payment of the proper court fees and copying charges. Copies to be granted to parties.

50. In any case in which an order on appeal is passed *ex parte* against a person, he may apply to the appellate authority, by which the order was passed, for an order to set it aside; and if he satisfies the authority that the summons or notice was not duly served, or that he was prevented by any sufficient cause from appearing when the appeal was called for hearing, the authority shall make an order setting aside the order as against him, upon such terms as it thinks fit, and shall appoint a day for proceeding with the appeal. Re-hearing in certain events.

THE EAST PUNJAB MUNICIPAL (MAKING OF COMPOST) RULES, 1949

Title.

1. These rules may be called the East Punjab Municipal (Making of Compost) Rules, 1949.

Assessment of compensation under section 154-B.

2. The amount of compensation under section 154-B shall be assessed in a year after taking into consideration the average price fetched by the sale of dung for the preceding five years.

Compost making.

3. (a) The compost depots shall be located at a distance of not less than 2 furlongs from the town habitations.

Trenches.

(b) Trenches in the compost depots shall be arranged in rows. The size of each trench shall be adjusted according to the quantity of refuse likely to be available daily, so that one or more trenches are completely filled on any one day. The depth of a trench shall be 3 feet in all cases and the breadth shall vary from 6 to 8 feet and length from 10 to 20 feet.

Process of Composting.

(c) (i) In places where refuse and night-soil are collected in a mixed state, the mixed refuse shall be dumped directly into a trench after removing inert material like pot-sherds, brick-bats, pieces of iron, glass etc. It shall then be spread evenly with long handled rakes and sufficient water sprinkled to make it moist. This procedure shall be continued till the trench is filled up to a level of about one foot above the ground level. The top shall be covered with one or two inch layer of earth.

(ii) In places where night-soil and dry refuse are collected separately at first a 9 inch layer of dry refuse shall be spread evenly on the bottom of the trench. This shall be covered with a 2 to 3 inch layer of a thick emulsion of night-soil. The procedure of alternate layering shall be repeated till the trench is filled up to a level of about 9 to 12 inches above the ground level; the top layers in all cases being the dry refuse. The top shall then be covered with 1 to 2 inches thick layer of earth.

(iii) In places where regular compost depots with trenches as specified in the preceding sub-rule cannot be established due to excessive rainfall or difficulties of procuring adequate facilities like land etc., composting shall be done after proper mixing and moistening of the night-soil and dry refuse in 3 ft high over ground heaps and shall be covered with 2-3 inches layer of earth or plastered with cow-dung or earth plaster.

The compost shall not be used earlier than 4 months from the date the trench is completely filled up, except under the advice of the Agriculture Department.

¹Vide Punjab Government notification No. 351-FP-49/289 (a), dated 23rd September, 1949.

**THE PUNJAB REQUISITIONING AND ACQUISITION OF
IMMOVABLE PROPERTY RULES, 1954**

1. *Short Title.*—These rules may be called the Punjab Requisitioning and Acquisition of Immovable Property Rules, 1954.

2. *Definitions.*—In these rules,—

(a) ‘Act’ means the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953.

(b) ‘Form’ means a form appended to these rules.

(c) ‘Section’ and ‘subsection’ mean respectively a section or subsection of the Act.

3. *Procedure to be followed by competent authority for purposes of section 3 (1).*—A notice under clause (a) of subsection (1) and order under clause (b) of subsection (1) of section 3 of the Act shall be in Form ‘A’.

4. *Order of Requisitioning.*—The order of requisition under subsection (2) of section 3 of the Act, and the notice under subsection (1) of section 4 of the Act shall be issued in Form ‘E’.

5. *Breaking open of locks on requisitioned property.*—Where the possession of a requisitioned property is not handed over in compliance with an order issued under subsection (1) of section 4 of the Act and the premises are found locked, the competent authority or any other person authorised by it in writing in this behalf may break open the lock in the presence of two witnesses and take possession of the property.

Provided that—

(i) before any such action is taken the competent authority shall satisfy itself that the order under subsection (1) of section 4 has been duly served on the party concerned and that the party is evading compliance with the order ;

(ii) the powers under this rule shall not be exercised at any time after sunset or before sunrise ; and

(iii) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witnesses and such articles shall be stored in safe custody.

6. *Repairs to requisitioned premises.*—A notice under subsection (2) of section 5 of the Act shall be in Form ‘F’. The time for execution of repairs to be specified in the notice shall be such as the competent authority may deem reasonable having regard to the nature of repairs and other circumstances of the case.

7. *Procedure to be followed in releasing the property.*—(1) For the purpose of subsection (2) of section 6 the competent authority, may, if it considers it necessary so to do, make or cause to be made by an officer empowered in this behalf by it, an enquiry to obtain information in respect of the following matters, namely :—

(i) the name and address of the person from whom the property was requisitioned ;

¹Vide Punjab Government notification No. 45-J-54/4412, dated 3rd February, 1954.

- (ii) the name and address of the person in possession of the property at the time the property was requisitioned ;
- (iii) the name of the person who has been receiving compensation ;
- (iv) whether any alternative accommodation was provided to the occupant when the property was requisitioned or whether any compensation was paid to him for vacating the property, or whether the occupants, if any, relinquished their claims for reoccupation of the property ;
- (v) whether the occupant was a *bona fide* tenant of the property or was an unauthorised occupant or has no claim in law for the restitution of the property ;
- (vi) whether the owner of the property on whom the requisitioning order was first served, had sold the property and if so to whom ;
- (vii) in case the property has been sold whether the owner has sold all rights in respect of the property ;
- (viii) whether there is any objection to the property being de-requisitioned in favour of the owner from whom the property was requisitioned ;
- (ix) the state of repairs of property at the time of enquiry ;
- (x) whether any structure or articles belonging to Government have been erected or installed in the property and their value ;
- (xi) the condition of the property at the time of requisition and whether the property is in as good a condition as it was when possession thereof was taken subject to change caused by reasonable wear and tear or irresistible force ;
- (xii) the estimated cost of restoration ; and
- (xiii) any other matter that the competent authority may consider necessary for the purpose of specifying the person to whom possession of the property may be given.

(2) An order under subsection (2) of section 6 shall be issued in Form 'G'.

(3) A notice under subsection (4) of section 6 shall be in Form 'H'.

8. *Acquisition of requisitioned property.*—A notice under subsection (1) of section 7 of the Act calling upon the owner or any other person interested in a requisitioned property to show cause why the property should not be acquired, shall be in Form 'I'. A notice of actual acquisition shall be in Form 'J'.

9. *Arbitration.*—(1) An arbitrator appointed under clause (b) of subsection (1) of section 8 shall complete the arbitration proceedings and give his award within four months ¹[after entering on the reference.] ²[The State Government may, if it thinks fit whether the time for making the award has expired or not and whether the award has been made or not, enlarge from time to time, the time for making the award.]

(2) An arbitrator shall take down the evidence of each witness not ordinarily in the form of question and answer, but in that of a narrative and shall sign it.

(3) Where before an arbitrator is able to finish the arbitration proceedings and make his award, a new arbitrator is appointed, the new arbitrator may deal with the evidence taken down by his predecessor as if such evidence had been taken down by him and may proceed with the arbitration proceedings from the stage of which his predecessor left it.

¹Inserted after the words "four months," by Punjab Government notification No. 2204-J-56/16154, dated 14th April, 1956.

²Added by Punjab Government notification No. 3017-J (C)-54/11305, dated 17th May, 1954.

(4) The costs of arbitration and award shall be in the discretion of the arbitrator who may direct to, and by whom and in what manner, they or any part thereof shall be paid, and in case an appeal is preferred to the High Court, such costs and the costs of the appeal shall be in the discretion of the High Court, who may direct to, and by whom and in what manner, they or any part thereof shall be paid.

10. *Appeals*.—(1) Appeals under section 10 ¹[or 10-A] shall be addressed to the Secretary to the Punjab Government in the Home Department.

(2) Every appeal shall obtain the grounds of appeal and shall be accompanied by a copy of the order against which the appeal is preferred.

11. *Summoning of persons and witnesses and production of documents*.—An order under section 12 of the Act summoning and enforcing the attendance of any person and examining him on oath or requiring the discovery and production of any document shall be issued in Form 'B'. An order requisitioning public records from any court or office shall be issued in Form 'C', while an order issuing commissions for examination of witnesses shall be in Form 'D'

12. *Inspection of premises*.—The competent authority or any officer, empowered in this behalf by such authority, by general or special order shall not in exercise of the powers conferred by section 14, enter upon any property after sunset or before sunrise.

FORM 'A'
NOTICE AND ORDER

WHEREAS I, _____, being the competent
(name and designation)
authority under the Punjab Requisitioning and Acquisition of Immov-
able Property Act, 1953 (XI of 1953) am of opinion that the property
described in the Schedule hereto annexed is needed/or likely to be needed
for a public purpose,* _____,
being a purpose of the State and that the said property should be
requisitioned ;

* Here men-
tion the
purposes for
which the
property
shall be re-
quisitioned.

NOW, THEREFORE, in exercise of the powers conferred by subsection
(1) of section 3 of the said Act, I, as the competent authority, hereby
call upon, _____

(name of person)

_____being the

* owner of the said property
person in possession of the property to show cause within
fifteen days of the date of service of this instrument upon him why the
said property should not be requisitioned and I further direct that neither
the owner of the said property nor any other person shall without my
permission dispose of or structually alter the said property or let it out
to a tenant until the expiry of two months from the date of service of
this instrument upon him.

*Strike off
the irrele-
vant words.

SCHEDULE

Competent Authority.

Signature.

Designation.

To

¹Inserted by Punjab Government notification No. 7698-J-54/70-486, dated 29th December, 1954.

PUNJAB REQUISITIONING AND ACQUISITION OF
IMMOVABLE PROPERTY RULES

FORM 'B'
(See Rule 11)
SUMMONS TO WITNESS

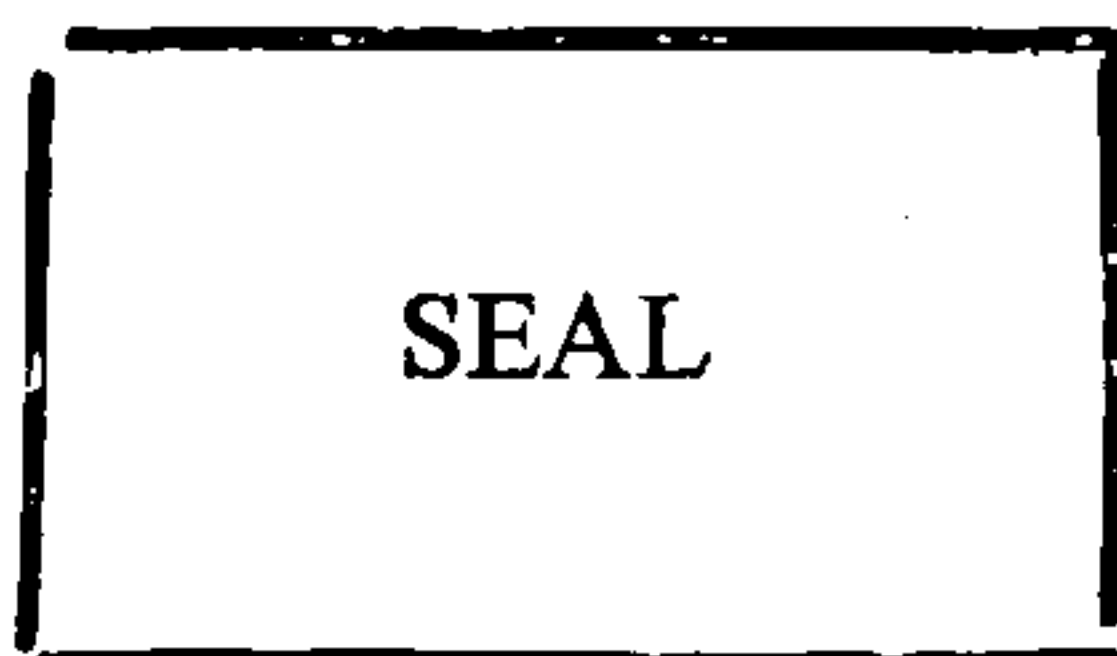
Case No. _____ of 195 .

In the office _____
Proposed requisitioning/acquisition/fixation of compensation in respect of _____
To _____

WHEREAS your attendance is required to give evidence/produce the documents described in the list enclosed in the case, you are hereby required (personally) to appear before the undersigned on the _____ day of _____, 195 , at _____ o'clock in the forenoon/afternoon and to bring with you (or to send to this office) the said documents.

In case you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in Rule 12 of Order XVI of the C. P. C.

Given under my hand and the seal of this office this _____ day of _____ 195 .



Competent Authority/Arbitrator

FORM 'C'
(See Rule 11)

REQUISITION FOR PUBLIC RECORD

To _____

Please arrange to send per bearer/through your clerk on _____, the public record(s) mentioned below for my examination in connection with the proposed requisitioning/acquisition/fixation of compensation in respect of _____

Given under my hand and seal of this office, this _____ day of _____ 195 .

Details of Record.

1. _____

2. _____

(SEAL)

Competent Authority/Arbitrator

FORM 'D'

(See Rule 11)

FORM OF COMMISSION

IN THE MATTER OF _____

It is ordered as follows :—

1. A Commission may issue direction to _____ of _____ for the examination upon interrogatories or *viva voce* before the aforesaid Commissioner of the following witnesses :—

- (1) _____
- (2) _____
- (3) _____

2. In the event of any witness on his examination, cross-examination or re-examination producing any book, document, letter, paper or writing and refusing for good cause to be stated in his deposition, to part with the original thereof, then a copy thereof, or extract therefrom certified by the Commissioner to be a true and correct copy or extract shall be annexed to the witness's deposition.

3. Each witness to be examined under the commission shall be examined on oath, affirmation or otherwise in accordance with his religion by or before the said Commissioner.

4. The deposition to be taken under and by virtue of the said commission shall be subscribed by the witness or witnesses and by the Commissioner.

5. The interrogatories, cross-interrogatories and deposition, together with any documents referred to therein or certified copies thereof or extracts therefrom shall be sent to _____ the competent authority
arbitrator
on or before the _____ day of _____,
or such further or other day as may be ordered by registered post.

Dated this _____ day of _____ 19 .

Competent Authority/Arbitrator.

FORM 'E'

ORDER AND NOTICE

WHEREAS by a notice issued under subsection (1) of section 3 of the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953 (XI of 1953) _____ was called upon
(enter name of the person)
to show cause within the period specified therein why the property specified in the Schedule hereto annexed should not be requisitioned.

AND WHEREAS the said period has expired and no cause has been shown against the said notice or/the cause shown against the notice has been considered ;

NOW, THEREFORE, in exercise of the powers conferred by subsection (2) of section 3 and by section 4 of the said Act I _____,

(name)

_____ being a competent authority under the said Act
(designation)

having been satisfied that it is necessary or expedient so to do, do hereby requisition the said property and I hereby order the said _____

(enter the name)

_____ to surrender or deliver possession thereof to _____ within thirty days of

(enter designation of officer)

the service of this notice.

If the said _____ refuses or fails to comply

¹(enter the name)

with the above order, it shall be lawful for me to take possession of the property and for that purpose to use such force as may be necessary.

SCHEDULE

Signature _____

Designation _____

To

FORM 'F'

ORDER

WHEREAS the premises known as _____ have been requisitioned under section 3 of the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953 (XI of 1953).

AND, WHEREAS, the said premises are in need of repairs specified in the Schedule hereto appended :

NOW, THEREFORE, in exercise of the powers conferred by subsection (2) of section 5 of the said Act, I _____,

(enter name)

_____, being the competent authority,
(enter designation)

under the said Act do hereby order _____ the landlord of the said premises to execute the repairs specified in the schedule, being repairs which are necessary and are usually made by landlords in the locality in which the premises are situated within a period of _____ from the date of service of this notice.

If the said landlord fails to execute the repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expense and the cost thereof shall, without prejudice to any other mode of recovery be deducted from the compensation payable to him.

SCHEDULE

Signature

Designation

To

FORM 'G'

ORDER

WHEREAS the property specified in the Schedule hereto annexed was requisitioned by the order of the _____ No. _____, dated _____, with effect from the _____.

AND, WHEREAS, the competent authority has now decided that the said property shall be released from requisition with effect from _____.

NOW, THEREFORE, in exercise of the powers conferred by subsection (2) of section 6 of the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953 (No. XI of 1953), I, _____,

(enter name and designation)
being the competent authority hereby specify Mr./Messrs. _____

as the person/persons to whom possession of the said property shall be given.

SCHEDULE

Signature
Designation

To _____

FORM 'H'

NOTICE

WHEREAS the property specified in the Schedule hereto annexed was requisitioned by the order of the _____ No. _____, dated _____ with effect from _____.

AND, WHEREAS, the competent authority has decided that the said property shall be released from requisition ;

AND, WHEREAS, in exercise of the powers conferred by subsection (2) of section 6 of the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953 (No. XI of 1953), I, _____,

(name)

_____, being a competent authority under the said (designation)

Act have specified Shri _____, as the person to whom possession of the said property shall be given ;

AND, WHEREAS, the said Shri _____ cannot be found and has no agent or other person empowered to accept delivery on his behalf ;

NOW, THEREFORE, in exercise of the powers conferred by subsection (4) of section 6 of the Said Act, I, _____,

(name)

_____, do hereby declare that the said property is released from requisition.

(designation)

SCHEDULE

Signature
Designation

To _____

PUNJAB REQUISITIONING AND ACQUISITION OF
IMMOVABLE PROPERTY RULES

FORM 'I'
NOTICE

WHEREAS, the ^{*1}[State Government—
here give the name or designation of the officer to whom the powers
to acquire the property under section 17 have been delegated or are
deemed to have been delegated under section 25 of the Act.)] is of opinion
that the property described in the Schedule hereto annexed which is
subject to requisition should be acquired for a public purpose namely

NOW, THEREFORE, in exercise of the powers conferred by subsection
(1) of section 7 of the said Act, ²[The <sup>*State Government—
hereby calls read with Punjab Government notification No.—
dated the—], upon Shri—
being the owner of the said property</sup>

—to show cause within fifteen
the person interested in the said property
days of the date of service of this notice upon him why the said property
should not be acquired.

SCHEDULE

Signature
Designation

(SEAL)
To

FORM 'J'
NOTICE

WHEREAS a notice under the proviso to subsection (1) of section 7
of the Punjab Requisitioning and Acquisition of Immovable Property
Act, 1953 (XI of 1953) was issued by the ³[State Government—
—(here give the name or designation of the officer
to whom the powers to acquire the property have been delegated or are
deemed to have been delegated under section 25 of the Act.)]
to Shri—

being the owner of the said property
the person interested in the said property calling upon him to show
cause within the period specified therein why the said property should
not be acquired ;

AND, WHEREAS, the said period has expired and no cause has been
shown against the said notice/the cause shown against the said notice
has been considered, and the parties have been given an opportunity
of being heard.

NOW, THEREFORE, in exercise of the powers of subsection (1) of
section 7 of the said Act, the ³[State Government—
(here give the name or designation of the officer to whom the powers
to acquire the property have been delegated or are deemed to have been
delegated under section 25 of the Act.)] having been satisfied that it
is necessary so to do, do hereby acquire the said property.

SCHEDULE

Signature
Designation

1. Substituted by Punjab Government notification No. 7698-J-54/70486, dated
29th December, 1954, for " State Government ".

2. Substituted by *ibid*, for " the State Government do hereby call ".

3. Substituted by *ibid*, for " State Government ".

*Unnecessary words to be struck off.

RULES UNDER THE LAND IMPROVEMENT LOANS ACT, 1883

¹LAND IMPROVEMENT LOANS RULES

1. Within the limits of the funds allotted to them for the purpose the following officers are empowered to grant loans :— Officers who may grant loans.

² [Project Executive Officers/Assistant Project Officers holding independent charge of a Project and Block Development Officers in relation to the implementation of Community Project/National Extension Service Programme in the State, up to Rs 3,000]	(Permission of the Collector shall not be required for exercising these powers)
--	---

Tahsildars, Assistant and Extra Assistant Commissioners up to	Rs 1,000.]
Collectors up to	.. ³ [5,000] ⁴ [but Rs 6,000 for Tube-well]

Commissioners up to	.. Rs 10,000
⁵ [Development Commissioner in relation to Community Projects and Grow-More-Food Campaign	.. Rs 50,000
Financial Commissioners up to	.. Rs 50,000

Officers subordinate to the Collector will exercise these powers only when permitted to do so by the Collector.

The limits apply to the amounts which may be granted in any individual case. Commissioners may, in very special circumstances, on the recommendation of the Collector invest selected naib-tahsildars with the powers of a tahsildar, as regards the granting of loans.

* * * 6 * * *

⁷[In the matter of loans granted under the Community Project Programme in the State, Officers subordinate to the Collector shall not exercise the powers hereby reserved for Project Executive Officers and Assistant Project Officers, within the area comprised in the Community Projects].

2. ⁸[(i) Interest shall be charged at the rate notified by the State Government from time to time.]

(ii) Penal interest will not be charged on instalments which have been suspended by order of competent authority, but in other cases will ordinarily be charged at ⁹[6½] per cent per annum., simple

¹Punjab Government Notification No. 284, dated 13th August, 1910.

²Inserted by Punjab Government Notification No. 14307-CP-55/3781-(CH), dated 31st July 1955.

³Substituted by Punjab Government Notification No. 14307-CP-55/3781-(CH), dated 31st July 1955.

⁴Added by Punjab Government Notification No. 11616-CP-53/1442, dated 8th April, 1954.

⁵Inserted by Punjab Government Notification No. 61-CP-53/3751, dated 17th June/16th July, 1953.

⁶Omitted by Punjab Government Notification No. 393-R, dated 8th February, 1936.

⁷Added by Punjab Government Notification No. 61-CP-53/2398, dated 25th April, 1953.

⁸Substituted by Punjab Government Notification No. 4643-A-53/2641, dated 22nd July, 1953.

⁹Substituted by Punjab Government Notification No. 4643-A-53/2641, dated 22nd July 1953.

interest, on the total of the overdue instalment, when the delay exceeds fifteen days.

Compound interest will in no case be charged, and the Collector may remit or reduce the penal interest when he is satisfied that the failure is due to inability to pay or that the levy of such interest would be productive of hardship.

Security.

3. (a) When the value of the applicant's interest in the land to be improved is sufficient to cover the loan, no collateral security need be required.

(b) When a loan is made to the members of a village community, who bind themselves jointly and severally as provided in section 9 of the Act, the personal security of the applicants may be accepted. It is not necessary that all the members of the community should combine : loans may be made to any suitable group of persons who agree to be jointly and severally bound.

(c) In all cases not covered by clause (a) or clause (b) of this rule collateral security, either real or personal, should be required, but movable property should rarely be accepted as such security.

4. The borrower should be required to sign on the order of payment an agreement in a form prescribed and should be given a copy of this agreement.

Dates of
payments of
instalments.
Inspection of
works.

5. The dates for payment of instalments should usually be the dates fixed for the payment at each harvest of the first instalment of the land revenue.

6. All works for which advances are made by instalments should be inspected and reported on before each instalment subsequent to the first is paid. In the case of all such works no instalment subsequent to the first should be paid until a competent officer is satisfied that the loan is being properly applied.

Suspension.

¹[7. Instalments may be suspended on proof of failure of crops or other exceptional calamity.

On areas under fluctuating assessment, the Collector of the district may order such suspension up to a limit of Rs 5,000 for a single tahsil or a total of Rs 10,000 for the whole district in any one harvest, provided that the amount involved at a time in any one case shall not exceed Rs 1,000.

In areas under fixed assessment the same limits shall apply except that in those cases in which suspensions of taccavi follow suspension of land revenue, the Collector may exercise unlimited powers.

Proposals for suspensions in excess of these limits shall be submitted by the Collector of the district to the Commissioner of the division who shall have unlimited powers of suspension as in the case of land revenue.

All suspensions of taccavi, whenever granted, shall be reported without delay through the Commissioner of the division for the information of the Financial Commissioners.]

8. When any portion of a loan under these rules is found to be irrecoverable, or when from any special cause it appears that the loan ought not to be recovered, a special report should be made to the Commissioner of the division, who has power to grant remission up to a limit of Rs ²[1,000] in any one case. If the amount proposed for remission exceeds Rs ²[1,000], the Commissioner should forward the report to the Financial Commissioner, who has power to sanction remissions without limit.

¹Substituted by Punjab Government Notification No. 1016-A, dated 21st February 1939.

²Substituted for 500 by Punjab Government notification No. 5694-A-532899, dated the 14th August 1953.

¹AGRICULTURISTS' LOANS RULES

²[1. Loans will be made to owners and occupiers of arable land for the purchase of tractors with equipment and fertilizer, under the Community Project Scheme].

Purpose for the grant of loan.

³[1-A * * * *]

2. Within the limits of the funds allotted to them for the purpose the following officers are empowered to grant loans :—

Officers who may grant loans.

	For cattle and other objects including Agricultural implements	For fertilizers	For seed other than potato seed	For potato seed	For fruit plants (In the shape of fruit plants from the Government Nurseries)
1	2	3	4	5	6
	Rs	Rs	Rs	Rs	Rs
1. Selected Naib-Tahsildar or selected Agricultural Inspectors or Assistant Consolidation Officers and Inspectors, Co-operative Societies, up to ..	⁴ [250]	250	⁵ [50]	..	..
⁶ [1-A. Sub Inspectors Co-operative Societies for current financial year 1954-55] ..	⁵ [150]	150	⁵ [50]	..	..
2. Horticultural Inspectors up to ..	..	..	..	..	150 (They will exercise these powers only when permitted to do so by the Director of Agriculture, Punjab)
3. Tehsildars up to ..	⁵ [300]	300	⁵ [100]	100	..
4. Consolidation Officers up to ..	300	300	100		..
5. Canal Zillaars up to ..	..	..	100		..
6. Reclamation Zilladars up to ..	..	..	100	..	..
7. Project Executive Officer/Assistant Project Officers/Block Development Officers holding independent charge of project, up to ..	300	400	100	350	..
8. District Agriculture Officers up to ..	..	400	..	..	250

¹Vide P. G. Notification No. 285, dated 13th August, 1910.

²New Rule '1' added, and the existing rules 1, 2, 3, 4, 5, 6, 7 and 8, re numbered as 2, 3, 4, 5, 6, 7, 8 and 9, respectively, by Punjab Government Notification No. 3651-CP-53/641, dated 13th February, 1953.

³1-A. Omitted by Punjab Government Notification No. 2992-FP-53/1630, dated 1st May, 1953.

⁴Table substituted by Punjab Government Notification No. 2350-Agr (CH)-54/458, dated 16th March, 1954.

⁵Substituted by Punjab Government Notification No. (Ch)-55/535, dated 12th October, 1955 and A(Ch)-55/626, dated 3rd November, 1955.

⁶Sub-Inspectors Co-operative Societies have been empowered to grant loans by Punjab Government Notification No. 5403-FP(Ch)-54/674, dated the 7th June, 1954.

	For cattle and other objects including agricultural implements	For fertilizers	For seed other than potato seed	For potato seed	For fruit plants (In the shape of fruit plants from the Government Nurseries)
1	2	3	4	5	6
	Rs	Rs	Rs	Rs	Rs
9 Assistant Horticulturists up to ..	¹ [400]	..	¹ [50]	..	25
10. Assistant Registrars, Co-operative Societies up to ..	400	..	..	..	..
11. Deputy Collector, Reclamation up to ..	..	..	100	..	..
12. Assistant Land Reclamation Officer up to ..	..	..	100	..	..
13. Assistant Commissioners and Extra Assistant Commissioners and District Agriculture Officers up to ..	¹ [400]	400	¹ [50]	350	..
14. Deputy Directors of Agriculture up to ..	¹ [50]	500	..	..	..
15. Fruit Specialists upto ..	..	..	..	..	500
16. Land Reclamation Officer up to ..	..	..	250	..	..
17. Collectors up to ..	500	500	250	500	750
18. Director of Agriculture up to ..	¹ [2,500]	2,500	..	..	1,000
19. Commissioner up to ..	2,500	2,500	750	700	..
20. Development Commissioner up to ..	10,000	10,000	1,000	..	..
21. Financial Commissioner up to ..	10,000	10,000	3,000	1,000	..

²[Provided that the powers of the Collector, Amritsar, and the Commissioner, Jullundur Division, to grant loan for potatoes seed to potato growers of Amritsar District who have suffered on account of floods of October, 1955, shall be Rs 5,000 and Rs 30,000, respectively.]

³[Officers subordinate to Collectors will exercise these powers only when they are permitted to do so by the Collector concerned and, in the case of Agricultural Inspectors, when they are permitted to do so by the Director of Agriculture, Punjab].

3. ⁴(i) Interest shall be charged at the rate notified by the State Government from time to time].

(ii) Penal interest will not be charged on instalments which have been suspended by order of competent authority but in other cases will ordinarily be charged at ⁵[6 $\frac{1}{4}$] per cent per annum, simple interest

¹Substituted by Punjab Government Notification No. A(Ch)-55/535, dated 12th October, 1955.

²Added by Punjab Government Notification No. 3163-R-R (Ch)-55/2781, dated 31st December, 1955.

³Substituted by Punjab Government Notification No. 299P-53/1632-FP-53/1630, dated 1st May, 1953.

⁴Substituted by Punjab Government Notification No. 464-A-53/26, dated 22nd July, 1953.

⁵Substituted by *ibid*, for "4 $\frac{1}{4}$ "

on the total of the overdue instalment, when the delay exceeds fifteen days. Compound interest will in no case be charged, and the Collector may remit or reduce the penal interest, when he is satisfied that the failure is due to the inability to pay or that the levy of such interest would be productive of hardship.

4. The Officer making the grant may at his discretion require the grantee to produce some person who will become surety for the repayment of the loan with interest, where charged. In the case of advances for the purchase of fodder for storage against drought, security in the form of hypothecation of immovable property, or of the joint liability of a Registered Co-operative Society should ordinarily be required. Security.

5. The borrower should be required to sign on the order of payment an agreement in a form prescribed and should be given a copy of this agreement.

6. The dates for payment of instalments should usually be the dates fixed for the payment of each harvest of the first instalment of the land revenue. Dates
payment of
instalments.

7. All works for which advances are made by instalments should be inspected and reported on before each instalment subsequent to the first is paid. In the case of all such works no instalment subsequent to the first should be paid until a competent officer is satisfied that the loan is being properly applied. Inspection of
works.

¹[8. Instalments may be suspended on proof of failure of crops or other exceptional calamity. Suspensions.

In areas under fluctuating assessment, the Collector of the district may order such suspension up to a limit of Rs 5,000 for a single tahsil, or a total of Rs 10,000 for the whole district in any one harvest, provided that the amount involved at a time in any one case shall not exceed Rs 1,000.

In areas under fixed assessment the same limits shall apply, except that in those cases in which suspension of taccavi follow suspensions of land revenue, the Collector may exercise unlimited powers.

Proposals for suspensions in excess of these limits shall be submitted by the Collector of the district to the Commissioner of the division who shall have unlimited powers of suspension as in the case of land revenue.

All suspensions of taccavi, whenever granted, shall be reported without delay through the Commissioner of the division for the information of the Financial Commissioners.]

9. When any portion of a loan under these rules is found to be irrecoverable, or when from any special cause it appears that the loan ought not to be recovered, a special report should be made to the Commissioner of the division, who has power to grant remission up to a limit of a Rs ²[1,000] in any one case. If the amount proposed for remission exceeds Rs ²1,000] the Commissioner should forward the report to the Financial Commissioners, who has power to sanction remission without limit. Remission

¹Substituted by Punjab Government notification No. 1018-A, dated 21st February, 1939.

²Substituted for 500 by Punjab Government Notification No. 5694-A-3/2901, dated the 14th August, 1953.

**THE PUNJAB REGISTRATION OF MONEY-LENDERS, RULES
1939**

1. (1) These rules may be cited as the Punjab Registration of Money-lenders Rules, 1939.

(2) In these rules, unless there is anything repugnant in the context " Act " means the Punjab Registration of Money-lenders Act, 1938.

2. Application for registration under section 4 of the Act, shall be made, in the annexed form A, to the Collector of the district where the applicant has his residence, or, if he has no residence in the Punjab, where he has his principle place of business in the province.

3. Applications for registration shall bear the court fee prescribed in Article 1 (b) of Schedule II of the Court Fees Act, 1870, and shall be signed and verified by the applicant in the manner provided in Order VI, Rules 14 and 15 of the First Schedule to the Code of Civil Procedure for plaints in suits.

4. An application for registration on behalf of a firm shall be signed by all the persons constituting the firm or their representatives duly empowered, or in the case of a minor by the person representing him in the business : Provided that no application shall be entertained which does not bear the personal signature of at least one member of the applicant firm.

5. Every application for registration shall be presented by the applicant personally or through a duly authorised agent : Provided that where there are more applicants than one, any one of them may present it.

6. (1) The Collector shall, if the application for registration is in order (or if it is not in order after getting the necessary corrections made therein), and if he finds after making such inquiries as he considers necessary that the grant of the application will not offend against any order made under section 6 of the Act, direct the applicant to deposit ²[within a period of one month] in the Government treasury a sum representing the fee prescribed in section 4 of the Act.

(2) After the applicant has deposited the fee in the Government treasury and produced the receipt therefor, the Collector shall direct the money-lender's name to be registered.

³[(3) * * *]

7. On registration of the applicant's name under the preceding rule the Collector shall issue a certificate to him in form B annexed.

8. No licence shall be granted under section 5 unless the applicant has been registered under section 4 of the Act.

9. (1) Applications for the grant or renewal of licences shall be made to the Collector mentioned in rule 2 above in form C annexed.

(2) The provisions of rule 3 above in regard to verification and to the payment of court fee shall be equally applicable to applications for the grant or renewal of licences under the preceding sub-rule.

(3) In the case of a firm any adult member, or the guardian of minor member, may make an application for a licence on behalf of the firm.

1. *Vide* Punjab Government notification No. 3084-J-39/20680, dated 12th June 1939.

2. Inserted by Punjab Government notification No. 6163-J-41/54523, dated 21st October, 1941.

3. Defected by *ibid*.

10. Every application for the issue or renewal of a licence shall be accompanied by an affidavit stating whether any Court has since the making of the last application (if any) made any order in relation to the applicant in regard to any of the matters mentioned in section 6 of the Act.

11. After making such inquiries as he thinks necessary, the Collector shall, if he finds that there is nothing to debar the grant or renewal of the licence, direct the applicant to deposit [within a period of one month] in the Government treasury a sum representing the fee prescribed in rule 12.

[12. (1) The fees for grant or renewal of licences shall be as under :—

(a) For the grant of licence for the district in which the money-lender is first registered—

(i) if the application is submitted within Five rupees a year one month from the date of registration of his name

(ii) if the application is submitted there-Seven rupees a year after

(b) For the renewal of licence for the district in which the money-lender is first registered Three rupees a year

(c) For the grant ³[or] renewal of licence for every other district to which validity of the licence may be extended Two rupees a year subject to a maximum of fifteen rupees a year (including the Initial fee) for the whole State.

(2) The fee for the issue of a duplicate copy of a registration certificate or of a licence, in event of the loss of the original document, shall be one rupee for each duplicate copy.]

13. (1) After the applicant has deposited the prescribed fee in the Government treasury and has produced the treasury receipt therefor the Collector shall issue a licence in form D annexed.

⁴(2) If the applicant does not deposit the fee within the prescribed period his application shall be consigned to the General Record Room and he shall submit a fresh application for the grant of a licence.

14. An application for the renewal of a licence shall be made not less than one month before its expiry : Provided that the Collector may for sufficient reasons condone a delay not exceeding one month on payment of a penalty of two rupees.

15. A licence may be issued or renewed for a period not exceeding three years at one time, on pre-payment by the applicant of the full fees for the period.

1. Inserted by Punjab Government notification No. 6163 -J-41/54523, dated 21st October, 1941.

2. Substituted by *ibid*.

3. Substituted for the word " of " by Punjab Government notification No. 6370-J-41/57790, dated 5th November, 1941.

4. Substituted by Punjab Government notification No. 6163-J-41/54523, dated 1st October, 1941.

16. Licences shall ordinarily be made valid for the district of issue only, but it shall be open to the Collector, after making such inquiries as he considers necessary from the Collector of any other district, to extend the validity of a licence so as to include the area of that district.

17. Notices issued under the proviso to subsection (1) of section 7 of the Act shall be in Form E annexed, and shall be served in accordance with the procedure laid down in Order V of the First Schedule to the Code of Civil Procedure for the service of a summons.

18. As soon as any order is made by the Collector for the cancellation of a licence the money-lender shall surrender the same, and the Collector shall endorse thereon the words "Cancelled" in red ink under his signature, with the date of so doing.

19. (1) The cancellation of a licence by a Collector under section 6 of the Act shall be published in the *Punjab Government Gazette*, and any order made in appeal or review for the restoration of a licence shall be published in the same way.

(2) Intimation of all orders referred to in the preceding sub-rule shall also be given by the authority making the order to the District Judge of every district in which the licence is operative, with the request that the substance of the order be communicated to all the subordinate civil courts.

20. (1) Every appeal against an order of a Collector under section 6 of the Act shall be preferred in the form of a memorandum stamped as required under Article 1 (c) of Schedule II of the Court Fees Act, 1870, and shall be accompanied by an attested copy of the order appealed against.

(2) As soon as an appeal is filed the Commissioner shall cause notice of the same to be given to the Collector against whose order it is directed, and shall invite him to make such comments as he may consider necessary in connection with the grounds of appeal.

(3) Notice of the appeal shall also be served on any other person who may have moved the Collector under subsection (1) of section 7 of the Act or who may have otherwise appeared as a party before him.

(4) In all other respects the procedure in appeals under the Act shall be governed by the provisions of the Punjab Tenancy Act, 1887, and the rules made thereunder for the hearing of appeals against the orders of revenue officers, so far as they can be made applicable.

21. Every application under subsection (2) of section 7 or subsection (4) or subsection (5) of section II of the Act shall bear a Court fee stamp as laid down in Articles I (b) or I (c), as the case may be, in Schedule II of the Court Fees Act, 1870.

22. If an original order under section 6 or subsection (2) of section 7 or an appellate order under section 11 of the Act is announced in the absence of the money-lender, it shall be communicated to him by registered post (acknowledgement due).

23. When a certificate is granted by a Commissioner to a money-lender under subsection (3) of section II, it shall be in Form F annexed to these rules.

Application for Registration of a Money-lender

(SECTION 4 OF THE PUNJAB REGISTRATION OF MONEY-LENDERS
ACT, 1938)

In the Office of the Collector of _____

Tahsil _____ (Here give the name of the tehsil
containing the town or village
where the money-lender resides
or has his principal place of
business).

Town _____

Village _____ (Here give the name of the town
or the village where the money-
lender resides or has his princi-
pal place of business).

- (a) Name of the applicant, with parent-
age, caste, residence and address
in full.
- (b) In cases where the applicant is a
firm ; the names of all persons
constituting it, with parentage,
caste, residence and address in
full of each.
- (c) In cases where the applicant is a
firm : whether it is a Hindu
Joint family firm or otherwise
constituted, and whether it has
been registered under the Indian
Partnership Act, 1932.
- (d) Name or style under which the
applicant carries on his money-
lending business.
- (e) Names of the districts within which
the applicant has his business on
the date of the application.
- (f) Names of the districts to which
the applicant wishes in future to
extend his business.
- (g) Location of the applicant's princi-
pal place of business, with full
particulars thereof and the name,
parentage, caste and address of the
person in charge.
- (h) Has the applicant any office at
any other station ? If so, give
complete particulars ; with the
name, parentage, caste and address
of the person in charge of each
office.

- (i) What is the extent of the total business of the applicant on the date of the application ?
- (j) For how long has the applicant carried on the business of money-lending ?
- (k) Whether any application for registration had previously been made by the applicant ; or where the applicant is a firm, by any one or more of its members singly or jointly *inter se* or with any other person under any name. If so, when, where and with what result ?
- (l) (i) In case the applicant had previously been registered and licensed, give full particulars of the licence.

(ii) State whether any licence granted previously to the applicant (or where the applicant is a firm, to any one or more of its members singly or jointly *inter se* or with any other person) has been cancelled. If so, full particulars should be given, including the name of the officer and the date and terms of the order cancelling the licence.
- (m) Whether money-lending is the sole business of the applicant or whether he is engaged in any other business, profession or calling.

Certified that all the facts set out in the application are true to my knowledge except paragraphs———, which are true to my belief being based on information supplied by———.

(Signature of the person making the verification with date and place of so doing.)

(Signature of the applicant with date.)

B

MONEY-LENDER'S REGISTRATION CERTIFICATE
(SECTION 4 OF THE PUNJAB REGISTRATION OF MONEY-LENDERS ACT,
1938.)

District_____.

Tahsil_____.

Register No._____.

Certified that_____, son/daughter/wife
of _____

the firm_____

caste_____, resident of_____

with ^{his/her}_____ principal place of business at_____
its

has been registered as a money-lender under section 4 of the Punjab
Registration of Money-lenders Act, 1938, on the_____
_____day of_____19 .

*The registered firm is constituted by :—

1. _____, son of_____. caste_____
resident of_____

2. _____, son of_____, caste_____
resident of_____

3. _____, son of_____, caste_____,
resident of_____

4. _____, son of_____, caste_____,
resident of_____

5. _____, son of_____, caste_____,
resident of_____

6. _____, son of_____, caste_____,
resident of_____

(Seal of the Collector).

Signed_____.

Collector

District_____

*Where the money-lender is a single individual cross out this portion.

C

GRANT
APPLICATION FOR THE _____ OF A MONEY-LENDER'S
RENEWAL

LICENCE

(SECTION 5 OF THE PUNJAB REGISTRATION OF MONEY-LENDERS ACT,
1938)

In the office of the Collector, _____
Tahsil _____
Town _____ Post Office _____
Village _____ Police Station _____

The applicant submits as follows :—

- (1) That he is a registered money-lender in the district, with necessary particulars being,

Tahsil _____
Town _____ Post Office _____
Village _____ Police Station _____
Register No. _____

- (2) That since the commencement of the Act

_____ application for the grant of the previous licence, dated _____ no court has given any _____ finding against the applicant with regard to acts or omissions of the kind referred to in section 6 of the Act, with the following exceptions :—

- (2) _____

- (3) That on the date of this application his total business does not exceed

Rs _____ as Principal.

- (4) That he prays that he may be granted a licence

his licence which expires
on _____
for the * 1 * year

may be renewed for three 1 * * years _____ to _____
on the prescribed terms in regard to fee and otherwise.

Verified all the facts set out in the application are true to my knowledge except paragraphs _____ which are true to my belief based on the information supplied by _____.

(Signature of the person making the
verification, with date and place).

Signed.

D

MONEY-LENDER'S LICENCE

(SECTION 5 OF THE PUNJAB REGISTRATION OF MONEY-LENDERS ACT,
1938.)

District_____

Tahsil_____

Town_____

Post Office_____

Village_____

Police Station_____

Licence No._____

This licence has been granted to_____

to practise as a money-lender on the following terms :—

- (a) The licence will be valid up to_____
- (b) It shall entitle the licensee to carry on the business of money-lending within the area of_____
- (c) The licensee shall report to the Collector issuing this licence any finding which any court may during its currency give against him regarding acts of omissions of the kind described in section 6 of the Act.
- (d) The licensee shall surrender the licence when ordered to do so by the Collector granting it or by the Commissioner or any court.

Signed_____

Collector.

(Seal of the Collector.)

Dated_____

D

Renewals

This licence has on payment of the proper fees been renewed as under :—

From_____to_____

(Signature of the Officer granting
renewal).

Date_____

E

NOTICE TO A MONEY-LENDER

(SECTION 7 (1) OF THE PUNJAB REGISTRATION OF MONEY-LENDERS
ACT, 1938.)

In the office of the Collector, _____ District.

*Notice under Section 7 of the Punjab Registration of Money-lenders
Act, 1938.*

To _____

(Here give the name and full particulars of the money-lender
whether an individual or a firm, and in case of a firm, give
the name and full particulars of the manager in addition.)

WHEREAS it has come to my notice that in the _____ case
_____ noted overleaf
_____ cases
a _____ finding _____ has _____ been given by the _____ court
_____ adverse to you _____ therein
_____ findings _____ have _____ courts
mentioned, you are hereby called upon to appear before me personally
or through a duly authorised agent or lawyer on _____ at _____
and show cause why your licence should not be cancelled for such period
as may be considered proper by me.

Further take notice that if you fail to appear at the appointed time
and place, the case will be heard and disposed of in your absence.

Signed _____

Collector

_____ District

(Seal of Collector's Office)

Date _____

(REVERSE)

Particulars of case/cases

Name of the Court	Name of parties	Date of decision	Nature of the adverse finding

F

COMMISSIONER'S CERTIFICATE

(SUBSECTION 3 OF SECTION II OF THE PUNJAB REGISTRATION OF MONEY-LENDERS ACT, 1938.)

Certified that _____, *son of _____,
caste _____, resident _____, tahsil
_____, district _____, whose appeal
No. _____ of 19_____ against the order of the
Collector _____, dated _____, has
to-day been dismissed has been allowed to prosecute if already filed,
or to file and prosecute, suits for the recovery of the under-mentioned
loans and application for the execution of the under-mentioned
decrees :—

Loans

1. Loan of Rs _____, dated _____, raised by
_____ son of, _____ of _____ village
_____ town
tahsil _____, district _____.
2. _____.
3. _____, etc.

Decrees

1. Decree No. _____, dated _____, from the Court
of _____ for Rs _____, against* _____,
son of _____ of _____ village
_____ town
tahsil _____, district _____.
2. _____.
3. _____, etc.

Signed _____

Commissioner,

_____ Division

(Seal of the Commissioner)

Dated _____.

1. In case of a firm give its name and cross out blanks not relevant.

'The Punjab Cotton Ginning and Pressing Factories Rules, 1955

1. *Title.*—These rules will be called the Punjab Cotton Ginning and Pressing Factories Rules, 1955 and shall come into force at once.

2. *Permissable mixture of different varieties of cotton with any particular variety of cotton.*—Mixture of more than 3 per cent of a different variety of cotton shall be treated as admixture of cotton.

3. The proportion of seed that may be contained in any cotton (lint) shall not exceed 0.5 per cent.

4. The Director of Technological Laboratory, Matunga (Bombay) is authorized under sections 5 and 6 of the Act to examine samples of sealed cotton in regard to the extent of adulteration, per centage of moisture and proportion of cotton seed in lint and make a report thereon and certify as to the actual amount of moisture that a given quantity of cotton contains and the normal amount of moisture that such cotton should contain.

5. (i) The following Gazetted Officers are hereby authorized for the purposes of sections 3, 6 and 7 of the Act (to enter in and inspect any cotton ginning or cotton pressing factory). Any one of them may ask for the production of any ginning register or press register and inspect any cotton, package or bale of cotton for the purpose of ascertaining, whether there is any contravention of any of the provisions of the Act or any rules made thereunder and to seize all things in respect of which an offence punishable under the Act appears to have been committed :—

(a) Director of Agriculture, Punjab.

(b) Assistant to the Director of Agriculture, Punjab.

(c) All Deputy Directors of Agriculture.

(d) Economic Botanist, Cereals, Cotton and Oilseeds, Punjab.

(e) Cotton Extension Officer, Punjab.

(f) All District Agricultural Officers.

(g) Assistant Cotton Extension Officer.

(h) Assistant Cotton Botanist, Abohar.

(j) Cotton Breeder, Hansi.

(k) Agricultural Engineer, Boring Operations, Punjab.

(l) Marketing Officer, Punjab.

(m) Assistant Marketing Officer, Punjab.

(ii) The Officers mentioned above shall exercise the right of access and inspection during the working hours of a factory and within the sphere of their respective duty.

1. *Vide* P. G. notification No. 177-Agr-56/177, dated 21st January, 1956.

6. (a) Any of the officers under rule 5(i) above shall forward amples of sealed cotton to the Director of Technological Laboratory, Matunga (Bombay).

(i) If the cotton seized weighs more than 20 lbs., one random sample of such cotton weighing 5 lbs., and

(ii) if the cotton seized weighs less than 20 lbs., all the cotton seized.

(b) The two samples separated under clause (a) above be packed and sealed properly in the presence of the owner and two responsible persons mentioned under rule 5(i) above.

(c) The seizing officer should receive an undertaking in writing from the person, whose cotton has been seized to produce before him the remaining quantity of cotton when demanded.

7. The fee on complaints for the purposes of section 6(i) of the Act shall be Rs 10 (Rupees ten).

8. (i) The owner or lessee of every Cotton Ginning and/or Pressing Factory constructed after the enforcement of the Act shall apply to the Director of Agriculture, Punjab, for the allotment of the mark required by section 8 of the Act to be used for such factory not less than one month before work commences in the factory. Marks already allotted to the existing factories under the provisions of the Cotton Ginning and Pressing Factories Act, 1925, and rules framed thereunder, shall continue to be used by such factories.

(ii) The special mark allotted to each factory shall consist of letter 'H' denoting the Punjab State, together with a number denoting the factory.

(iii) The number denoting the factories shall run consecutively.

(iv) No special mark once allotted to a factory shall be transferred to another factory.

(v) The serial number shall consist of two parts. The first part shall consist of two numerals being the last two integers of the calendar year in which the cotton year has commenced and the second part shall be the running number of the bale according to the factory's press register. A new series of running numbers shall be started at the commencement of each cotton season on the first day of September in each calendar year and shall terminate on the thirty-first day of August of the following year.

(vi) The special mark and the two integers denoting the cotton year shall be indelibly punched or stamped on any part of the central hoop of the bale in such a manner as to be clearly decipherable. Provided that if the bale is lashed with less than three hoops the marks shall be punched on either of the hoops (if two hoops be used) or near the middle of the hoop if only one hoop be used. The letters and number used shall in no case be less than one quarter of an inch in length. English letters and numbers only shall be used.

The running number of the bale shall be punched or stamped on the hoop as described above or shall be stencilled in ink on the hessian covering of a lashed flat side of the bale in such a manner as to be clearly decipherable. English numbers only being used, which shall not be less than two inches in length.

The following order shall be observed for marks punched on the hoops :—

Number denoting factory letter 'H' denoting Punjab State—numerals denoting cotton year.

If the running number be punched on the hoop it shall follow the second of the two numbers denoting the cotton year and on the separated from it by a star. When the running number is stencilled on the hessian, a star shall be placed before the first integer and after the last integer.

ILLUSTRATION

A bale of cotton pressed in February, 1954, would be marked in either of the following ways :—

<i>On the hoop</i>	<i>on the hoop</i>	<i>on the hessian</i>
3	3	*
5	5	3
H	H	4
5	5	5
3 or	3	6
*		
3		
4		
5		
6		

In this mark 35 H is the factory mark, H denoting the Punjab State and 35 the number allotted to the factory ; 53* 3456 is the serial number, 53 denoting the cotton year commencing on 1st September, 1953 and 3456 the running number of the bale pressed in the factory.

NOTE

(a) In order to reduce to the minimum any risk of weakening the hoops by the punching or stamping of marks, it is advisable to place the numbers and letters as in diagram (A) and not as in diagram (B).

Diagram A

3
5
H
5
3

Diagram B

35 H 53

(b) The stencilling of the running number on the end or unlashed side of a bale does not fulfil the requirements of this rule.

9. The authority for the purpose of sections 8, 12, 13 and 14 shall be the Director of Agriculture, Punjab.

10. The despatch through the post under registered cover of any order under section 13 of the Act to the owner or person incharge of a factory shall be deemed to be sufficient service of the same on the owner as the case may be.

11. (i) The ginning register shall be maintained in the form shown in the attached schedule 'A'.

(iii) The weekly return of cotton pressed shall be in the form shown in Schedule 'C'

(iv) The monthly return of cotton ginned shall be in the form shown in schedule 'D'.

(v) The State Government shall publish the weekly statement of cotton pressed, in the form shown in schedule 'E'.

(vi) The monthly statement of cotton ginned shall be published in the form shown in schedule 'F'.

(vii) The weekly returns of cotton pressed for the seven days ending on Friday of each week shall be submitted not later than the following day, viz., Saturday.

(viii) The monthly returns of cotton ginned during a calendar month shall be submitted not later than the first day of the following month.

12. The cotton season shall commence on the first day of September in each calendar year and shall terminate on the thirty-first day of August next following.

13. The objections against pressing and ginning charges proposed to be fixed by the Government should reach the President, State Cotton Committee, within 30 days of the notification to this effect in the Government Gazette and may be considered and disposed of by him (President, State Cotton Committee).

SCHEDULE 'A'

Ginning Register

Name and address of owner:—

Name of registered lessee, if any:—

Year:—

Month:—

Names of persons for whom cotton was ginned	Variety of cotton	QUANTITY (BY WEIGHT, IN LBS. AVOIRDUPOIS OF KAPAS OR LINT GINNED FOR EACH PERSON IN COLUMN 1		Date on which ginned	REMARKS	Signature of owner or person-in-charge of the factory or person authorised by owner
		Kapas	Lint			
1	2	3	4	5	6	7

*The cotton should be classified under the following different varieties viz:
(1) Punjab Desi (2) Punjab American.

SCHEDULE 'B'**Cotton Press Register**

Name and number of factory:—

Name and address of owner:—

Name of register lessee, if any:—

Press mark:—

Year:—

DATE		Variety of Cotton*	Total No. of bales pressed	Serial No. of bales pressed	Names of person for whom pressed	Note (in these columns may be entered the weights of bales, average weights, etc. etc., to facilitate the preparation of returns under section 9)			Signatures of owner or person-in-charge of the factory or person authorised by owner
Day	month								
1	2	3	4	5	6	7	8	9	10

*The cotton should be classified under the following varieties, viz : (1), Punjab Desi (2) Punjab American.

SCHEDULE 'C'

Return of cotton pressed for the week ending 19 . (Return under section 9 of the Punjab Cotton Ginning and Pressing Factories Act, 1953)

Name of Pressing Factory:—

Name of Owner:—

Name of registered lessee (if any):—

Press mark:—

Correct Postal address of factory:—

Trade descriptions	Number of bales pressed during the week	Average net weight per bale in lbs.avoirdupois	No. of bales pressed since the commencement of the season i.e. since 1st September) to the end of the week	REMARKS (IF ANY)
1	2	3	4	5
Cotton Lint —				
1. Punjab Desi ..				
2. Punjab American ..				
Total				
Cotton Waste				

Place_____

Date_____

Signature of owner of person incharge

PUNJAB COTTON GINNING AND PRESSING
 FACTORIES RULES

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SCHEDULE 'D'

Cotton Ginning Return

District_____No. Ginning Factory_____

(Return under section 9 of the Punjab Cotton Ginning and Pressing Factories Act, 1953)

Return showing quantity of cotton ginned for the month of_____19

Name of ginning Factory with correct postal address.

Name of owner or registered lessee (if any)

Trade description	QUANTITY (BY WEIGHT) OF KAPAS GINNED OR LINT (GINNED COTTON) PRODUCED				REMARKS
	During the month		From the commen- cement of the sea- son to the end of the month		
	Kapas lbs 2	Lint lbs 3	Kapas lbs 4	Lint lbs 5	
Punjab Desi ...					
Punjab American ..					
Total ..					

Signature of owner or person incharge

Date

SCHEDULE 'E'

Statement of cotton pressed in Punjab State for the week ending _____

[Under Section 9(4) of the Punjab Cotton Ginning and Pressing Factories Act, 1953]

Name of Division or Block	Variety of Cotton (Trade description)	NUMBER OF BALES PRESSED				Districts included in the Blocks
		During the week	During the cor- responding week last year	Since the 1st September	During the cor- responding period last year	
1. Ambala ..	<i>Cotton Lint</i>					Hissar, Rohtak, Gurgaon, Karnal and Ambala (includ- ing Simla District)
	1. Punjab Desi ..					
	2. Punjab American ..					
	Total ..					
2. Jullundur ..	1. Punjab Desi ..					Kangra, Hoshiarpur, Jullundur and Ludhiana
	2. Punjab American ..					
	Total ..					
3. Amritsar ..	1. Punjab Desi ..					Amritsar and Gurdaspur
	2. Punjab American ..					
	Total ..					
4. Ferozepur ..	1. Punjab Desi ..					Ferozepur
	2. Punjab American ..					
	Total ..					
5. Total Punjab ..	1. Punjab Desi ..					
	2. Punjab American ..					
	Total ..					

FOOT-NOTE—

- (a) Total number of factories in operation during the week _____
 (b) Total number of factories for which returns have been received.

Director of Agriculture, Punjab.

SCHEDULE 'F'

Statement of Cotton Ginned in the Punjab for the Month of _____ 19 .
 (Under Section 9(2) of the Punjab Cotton Ginning and Pressing Factories Act, 1953)
 (Figures for kapas in terms of candies of 784 lbs., each for lint in terms of Bales of 392 lbs. each).

Name of Division or Block	Trade description	QUANTITY (BY WEIGHT) OF KAPAS GINNED OR LINT (GINNED COTTON)								Districts included in the Blocks
		During the month		During the cor- responding month last year		Since 1st Sep- tember, 19		During the cor- responding period last year		
		Kapas	Lint	Kapas	Lint	Kapas	Lint	Kapas	Lint	
1. Ambala ..	(a) Punjab Desi ..									Hissar, Rohtak Gurgaon, Karnal and Ambala (In- cluding Simla Dis- trict) Kangra, Hoshiarpur
	(b) Punjab American ..									
2. Jullundur ..	(a) Punjab Desi ..									Amritsar and Gur- daspur
	(b) Punjab American ..									
3. Amritsar ..	(a) Punjab Desi ..									Ferozepur
	(b) Punjab American ..									
4. Ferozepur ..	(a) Punjab Desi ..									
	(b) Punjab American ..									
	Total ..									

Director of Agriculture, Punjab.

THE PUNJAB CO-OPERATIVE SOCIETIES RULES, 1956

Definitions

1. These Rules shall be called the Punjab Co-operative Societies Rules, 1956.

2. In these Rules, unless there is anything repugnant to the subject or context,—

- (a) “The Act” means the Punjab Co-operative Societies Act, 1954.
- (b) “Section” means a section of the Act.
- (c) “Co-operative year” means the period of 12 months ending on the 30th June or such other date may be specified by the Registrar from time to time in case of a society or class of societies.
- (d) “Share capital” means the subscribed share capital.
- (e) “Paid up share capital” means such portion of the subscribed share capital as is actually paid up.
- (f) “Reserve Fund” means a fund to which at least one-tenth of the net profits of a society in any year shall be carried as required by section 37 of the Act.
- (g) “Owned capital” means the total paid up share capital and reserve fund and other funds created out of profits and undistributed profits minus accumulated losses.
- (h) “Working capital” means the total of owned capital *plus* the borrowed capital.
- (i) “Maximum credit limit” means the extent to which a society may receive deposits and loans from non-members.
- (j) “Society” means a registered society.
- (k) “Model by-laws” means a set of by-laws approved and proposed by the Registrar for general adoption by a class of societies.
- (l) “Amendment of by-laws” means making of new by-laws or the cancellation or modification of by-laws already made.
- (m) “Relative” includes any one related to the person concerned or his wife through a common ancestor not more remote than a grandfather or any one married to a person so related.

3. Words and expressions defined in the Act and used in the Rules shall have the meanings respectively assigned to them in the Act.

¹*Vide* Punjab Government notification No. 481-co-op-56/1463, dated 29th June, 1956.

Application for Registration

4. (a) An application for registration of a society shall specify the name and address of one of the applicant to whom the Registrar may address his correspondence under rule 6(b) and rule 7 of the Rules.

(b) The application for registration shall be in the form given in Appendix 'A'.

5. An application for registration shall be accompanied by three copies of the by-laws which the society proposes to adopt. Such copies of the by-laws shall bear the signatures of not less than two of the applicants, duly authorized by the proposed members of the society.

6. (a) On receipt of the application, the Registrar shall satisfy himself that—

- (i) the applicants have complied with the provisions of the Act and the rules made there under.
- (ii) the proposed by-laws are not contrary to the Act and the Rules.
- (iii) the proposed by-laws are suitable for carrying out the objects and for ensuring the successful conduct of the business of the society.
- (iv) the proposed society has reasonable chances of success with reference to the local conditions.
- (v) the proposed society has been organised for promoting economic interests of its members in accordance with co-operative principles or for facilitating the operations of such a society.

(b) Before passing final orders, the Registrar may call for such further information from the applicants or make such independent enquiries as he may deem necessary.

(c) After the Registrar is satisfied, he may register the society and its by-laws. A copy of the registered by-laws shall be returned by him to the society.

7. If the Registrar refuses to register a society he shall record the reasons for his refusal and shall communicate the refusal by registered post to the applicants specified in the application under rule 4(a) of the Rules.

8. When an application for registration of a society is rejected by the Registrar, the applicants may, within two months from the date of communication of the order of the Registrar, appeal to Government, against the said order. Such appeal shall be signed by all the persons joining in the application and shall be accompanied by a copy of the order appealed against. The decision given by the appellate authority thereon shall be final.

By-laws

9. A society shall make by-laws in respect of the following matters:—

- (a) Name and registered address.
- (b) Area of operation.
- (c) The objects for which the society is established.
- (d) The purposes to which the funds may be applied.
- (e) The qualifications for membership and the terms of admission of members.
- (f) Nature and the extent of the liability of members.
- (g) Withdrawal and expulsion of members, and the payments, if any, to be made to such members.
- (h) Transfer of shares or interests of the members.
- (i) Manner of raising funds.
- (j) General meeting and the procedure and powers of such meetings.
- (k) Appointment, suspension and removal of the officers of the society and members of the managing committee or the board of directors.
- (l) Powers and duties of the managing committee or the board of directors and the officers of the society.
- (m) Disposal of profits.
- (n) Authorization of an officer to sign documents on behalf of the society.
- (o) The general conduct of the business of the society.

10. Subject to the provisions of section 10 of the Act and rule 9 of these Rules, a society may, from time to time, amend its by-laws.

11. No amendments under rule 10 of these Rules, shall be carried out save in accordance with a resolution passed at a general meeting of the society of which due notice of the intention to discuss the amendments has been given :

Provided that no such resolution shall be valid unless it is passed by a majority of members present at the general meeting at which not less than two-thirds of the members for the time being of the society are present;

Provided further that model by-laws or amendments previously approved by the Registrar may be adopted by a majority at an ordinary general meeting.

12. Three copies of the amendments adopted by the society under rule 11, signed by two officers of the society duly authorised by the general meeting in this behalf, shall be submitted to the Registrar along with an application for registration duly signed as aforesaid. Such copies of the amendments shall be accompanied by a certificate signed by at least one officer of the society to the effect that the provisions of rule 11 above of these Rules have been complied with.

13. (a) After the receipt of the amendments, under rule 12 of these Rules, the Registrar shall satisfy himself that—

(i) the proposed amendments are not contrary to the Act and the Rules.

(ii) the proposed amendments are suitable for carrying out the objects and for ensuring the successful conduct of the business of the society.

(b) After the Registrar is satisfied, he may register the amendments and return a copy of the registered amendments to the society.

(c) If the Registrar refuses to register the amendments he shall record the reasons for such refusal and shall communicate them to the society by registered post.

(d) Within two months of the date of communication of the order of refusal, the society may appeal to Government against the said order :

Provided that the appeal shall be signed by an officer of the society duly authorized in this behalf by a general meeting:

Provided further that a copy of the order of refusal duly attested by an officer of the society, shall accompany the appeal. The orders passed by the appellate authority thereon shall be final.

Membership

14. No person who is a member of a society with unlimited liability shall be admitted to the membership of another society with unlimited liability.

15. (a) In a society with unlimited liability, a member who is not indebted to a society and is not a surety for an unpaid debt, may withdraw from the society after giving not less than one month's notice to the secretary as may be laid down in the by-laws of the society.

(b) In a society with unlimited liability, a member, who withdraws or is otherwise removed or expelled from the society, shall be entitled to repayment without interest of any money paid by him or his predecessor in interest towards the purchase of shares after such period as may be laid down in the by-laws.

16. (a) Every member of a society shall nominate a person or persons to whom his share or interest referred to in section 26 of the Act, or such sums out of share or interest as may be specified by the member, shall, on the death of the member, be transferred or paid as laid down in the by-laws.

(b) Such nomination may, from time to time, be revoked or modified by the member.

(c) The number of persons who may be nominated by a member shall not exceed the number of shares held by the member.

(d) When a member of a society nominates more than one person, he shall, as far as practicable, specify the amount to be paid or transferred to each nominee in terms of whole shares and the interest accruing thereon.

(e) The record of nomination shall be kept by a society in such manner as may be laid down in the by-laws.

(f) The value of the share or interest transferred or paid to a nominee or nominees shall be determined on the basis of the sum actually paid by the member to acquire such share or interest unless the by-laws provide for calculation on a different basis.

17. Every society shall maintain a register of members showing—

(a) the name, address and occupation of each member, and a statement of shares held by him.

(b) the date on which the member's name was entered in the register.

(c) the date on which any person ceased to be a member.

(d) the nominees appointed by a member.

18. Where the liability of the members of a society is limited by shares, no member other than a society shall hold more than one-fifth of the share capital of the society, or have or claim any interest in the shares of the society exceeding 25,000 rupees whichever is less.

Management of Societies

19. A general meeting of a society may be convened from time to time by an officer of the society under the directions of the committee or the board of directors.

20. A general meeting of a society shall be convened if the requisition for such a meeting, signed by such number of members as may be specified in the by-laws, is received by the committee or the board of directors.

21. If, on the receipt of the requisition referred to in the preceding rule the committee or the board of directors fails, within a reasonable time, to convene the general meeting, the signatories to the requisition may refer the matter to Registrar who may, if he thinks fit, summon the general meeting.

22. The Registrar may, on his own motion at any time, summon a general meeting of a society.

23. The notice of the general meeting shall be given in such manner as may be provided in the by-laws of the society.

24. Apart from any powers and duties which may be assigned to the general meeting in the by-laws, the general meeting alone shall be competent subject to the Rules, to transact the following business:—

- (a) Fixing the maximum credit limit of the society;
- (b) Fixing of the maximum credit limit of each member;
- (c) Election of the members of the committee or board of directors;
- (d) Consideration of the annual balance sheet;
- (e) Consideration of the audit and inspection notes;
- (f) Disposal of profits.

25. Unless otherwise provided in the by-laws, the quorum of a general meeting shall be one-third of the total number of members on the date of the notice of the meeting.

26. Unless otherwise provided in the by-laws, the Rules and the Act, every resolution at a general meeting shall be passed by a majority of the votes of the members present. The Chairman of the meeting shall have casting vote in *case of equality of votes*.

27. A meeting summoned by the Registrar shall be held in such manner and at such time and place as he may direct. He shall also indicate what matters shall be discussed in the meeting.

28. The Registrar may, for reasons to be recorded in writing, direct the general meeting convened at his instance or otherwise, to postpone the consideration of any item on the agenda. Any decision of the general meeting taken in contravention of such directive, shall be invalid.

29. The proportion of individuals and societies in the constitution of the committee of management and the general body of a society of which another society is a member, shall be such as may be adopted in the by-laws of the society of which any other society or societies are members.

30. Subject to rule 33, no member of the committee or the board of directors shall be appointed, suspended or removed except at a general meeting and by the vote of a majority of the members present.

31. A member of the committee or the board of directors shall cease to hold office if—

- (a) he ceases to be a shareholder ; or
- (b) he is declared insolvent; or
- (c) he becomes of unsound mind; or
- (d) he is convicted of an offence involving dishonesty or moral turpitude.

32. The committee or the board of directors shall exercise all the powers and discharge all the duties of the society except those reserved for the general meeting subject to any restrictions laid down by the general meeting or in the by-laws.

33. The Registrar may in such cases as he thinks fit, divide the area of the operation of a society into such number of zones as there are members to be elected for the committee or the board of directors. The members of the societies in each zone shall elect one member on the committee and he shall be appointed, suspended or removed by a majority of vote of the zone concerned and not in the general meeting.

34. The Registrar may issue such directions as he considers necessary for ensuring zonal representation on the committee or the board of directors of a society.

35. A meeting of the committee or the board of directors shall be convened from time to time by the president or such officer of the society as may be specified in the by-laws..

36. Unless otherwise provided in the by-laws, the quorum at a meeting of the committee or the board of directors shall be one-third of the total strength of the committee or the board of directors.

37. Any three members of the committee or the board of directors or such larger number as may be laid down in the by-laws may requisition a special meeting of the committee or the board of directors by giving 7 clear days' notice to the president or such officer as may be specified in the by-laws. On the receipt of the requisition, the president or the officer concerned shall convene a meeting of the committee. If he fails to do so within a reasonable time, the Registrar, on the application of the signatories of the requisition, may summon a meeting of the committee or the board of directors.

38. The Registrar may, on his own motion, at any time, summon a meeting of the committee or the board of directors.

39. The person or persons appointed by the Registrar under section 43(1) of the Act shall carry on the business of the society subject to such directives as the Registrar may give from time to time.

40. (a) For the purpose of section 43(1) of the Act, Government shall be deemed to have major financial interest in a society if—

- (i) Amongst the shareholders, taken singly, Government holds the largest share capital; or
- (ii) Amongst the creditors of the society, taken singly, Government has advanced the largest amount of loan to the society towards its working capital.

(b) When the Registrar has passed an order under section 43(1) of the Act, the committee or the board of directors of the society concerned may within 90 days of the communication of the order by the Registrar by registered post, appeal to Government, against the said order:

Provided that the decision to file an appeal is taken by the general meeting of the society:

Provided further that no appeal shall be entertained unless it is accompanied by a copy of the order appealed against along with a copy of the resolution of the general body authorizing the committee to file the appeal.

Working of Societies

41. The by-laws of a Society may lay down the limit beyond which a society may not advance loans to individual members without the Registrar's prior consent.

42. The Registrar may, from time to time, issue such directives as he considers necessary for regulating the nature and extent of security which a society or class of societies may demand in respect of loans advanced by it.

43. The Registrar may, from time to time, issue such directives as he considers necessary for the successful conduct of the business of a society or class of societies.

44. A society shall, from time to time, fix the maximum credit limit in a general meeting. The maximum so fixed shall be subject to the approval of the Registrar who may at any time reduce it.

45. Loans and subsidies to a society or class of societies shall be granted by Government on such terms and conditions as may be laid down by Government by a general or special order from time to time.

46. An application by a society for a loan from a Government Department or a Government agency shall be made through the Registrar. While forwarding the applications, the Registrar shall record his opinion regarding the eligibility of the society, its financial position and necessity of the loan applied for.

47. A society receiving government loan or subsidy shall furnish such information and submit such returns as the sanctioning authority or the Registrar may, from time to time, require.

48. A society may invest or deposit its funds or portion thereof besides the manner provided in Section 36 of the Act—

(a) in any bonds or loans issued by the Government;

(b) with the previous sanction of the Registrar, in the purchase of lease of land or building or in the construction of buildings required for the conduct of its business; and

(c) in debentures floated by a co-operative institution.

49. (a) The Registrar may, from time to time, by a general or special order, raise the proportion of profits to be carried to reserve fund under section 37 of the Act from one-tenth of the net profit to a limit not exceeding one-fourth as the net profits.

(b) The reserve fund of a society or a class of societies may, unless the Registrar by special order otherwise directs it to be invested under section 36(1) of the Act, be utilized in the business of the society.

(c) The reserve fund shall be indivisible and no member shall be entitled to claim a specific share in it:

Provided that, in exceptional circumstances, with the prior approval of the Registrar, the Reserve Fund may be utilized in meeting losses.

50. In a society with limited liability, the dividend shall not exceed 10 per cent per annum on paid up share capital.

51. (a) In a society with unlimited liability, no dividend or bonus shall be paid until 10 years have elapsed from the date of registration:

Provided that the date of registration of the society that has been formed by means of splitting of a society or societies previously existing or by amalgamation of societies previously existing shall be deemed to be the date of the registration of the original society or the newest of the original societies as the case may be.

(b) In the eleventh year of a society with unlimited liability, after the requisite amount has been carried to the reserve fund, the remainder of the profits may be apportioned among the members in the form of shares which shall not be returnable even on termination of membership except to widows, minor nominees and such other destitute members as may be selected by the general meeting subject to the approval of the Registrar.

(c) In the twelfth and each following year of a society with unlimited liability, after the requisite amount has been carried to the reserve fund, a dividend not exceeding 10 per cent on each fully paid share may be distributed from the remainder of the profits.

52. No part of the funds of a society, not having share capital, shall be divided amongst members as bonus or dividend.

53. No dividend shall be paid by the society while any claim due from the society to a depositor or lender remains unsatisfied.

54. The Registrar may, by a general or special order, direct that a society shall not pay dividend or shall pay dividend at a reduced rate so long as it receives loans and deposits from non-members.

55. No society shall write off, in whole or in part, any debt or other sums due to it without the previous sanction of the Registrar.

56. In a society or a class of societies, the appointment of officers, other than the members of the committee, shall be subject to such directions as the Registrar may from time to time issue in regard to their strength, qualifications and conditions of service.

57. Except with the previous sanction of the Registrar no relative of any member of committee or the board of directors, or of the honorary secretary of a society shall be appointed to any office other than the membership of the committee.

Determination of disputes

58. (a) When a party to the dispute referred to in section 50(1) of the Act desires to have the dispute determined in accordance with the said section, the party shall give a notice to the other party or parties. The notice shall be in writing and shall indicate the substance of the dispute and the intention of the party to refer to the dispute to the Registrar under section 50(1) of the Act after expiry of not less than 15 days from the date of communication of the notice.

(b) After the interval specified in the notice referred to in the preceding sub-rule, the party to the dispute serving the notice may apply to the Registrar, stating the substance of the dispute and the names and addresses of the other party in such form as the Registrar may lay down from time to time. The application shall also state the name of the nominee of the party if the party desires the dispute to be referred to a panel of three arbitrators. The said application shall be accompanied by a statement of the applicant to the effect that he has complied with the provisions of the Rule 58(a) of these Rules.

(c) If the application referred to in the preceding sub-rule discloses that the applicant desires the case to be referred to a panel of three arbitrators, the Registrar shall give a notice in writing to the other party at the address given in the application calling upon him to nominate an arbitrator on the panel within one month of the communication of the notice. In case the said party fails to nominate an arbitrator within the specified period, the Registrar shall have the power to do so.

(d) If the application referred to in sub-rule (b) of Rule 58 of these rules does not disclose that the applicant wishes to refer the dispute to a panel of three arbitrators, the Registrar shall undertake to have the dispute decided by himself or by his nominee. He shall communicate his intention to do so to the parties to the dispute, if, within 15 days of the said communication from the Registrar, the other party does not inform the Registrar of its desire to have the dispute referred to a panel of three arbitrators, the Registrar or his nominee shall proceed to decide the dispute. If within the specified interval, the other party informs the Registrar of its desire to have the dispute referred to a panel of three arbitrators, the Registrar shall require the parties to the dispute to appoint their nominee on the panel within a period of one month. In case either party fails to do so, the Registrar shall appoint his own nominees.

(e) If a dispute is referred to a panel of three arbitrators, the Registrar shall nominate a person to act as its chairman and the opinion of the majority shall prevail.

59. The Registrar may, in such cases as he thinks fit, order the payment of fees to arbitrator.

60. When any fee is to be paid to the arbitrator, it shall be deposited with the Registrar in such manner as he may direct, before the arbitrator is appointed.

61. No fee shall be payable to an arbitrator till the dispute referred to him is finally decided.

62. In an arbitration proceedings, the Registrar, or the arbitrator, as the case may be, shall communicate the date, time and place of hearing the dispute to all the parties concerned.

63. The Registrar or the arbitrator, as the case may be, shall have powers to appoint or remove a guardian for the party to the dispute who is a minor or who, by reasons of unsoundness of mind or mental infirmity, is incapable of protecting his interests.

64. The Registrar or the arbitrator, as the case may be, shall hear the parties and witnesses who attend. On the basis of such testimonial

evidence and after consideration of any documentary evidence that may be produced by either party, he then shall give a decision or award, as the case may be, in accordance with justice, equity and good conscience. The decision or award shall be reduced to writing, announced to the parties and filed in the office of the Registrar. In the absence of any party duly summoned to attend, the dispute may be decided *ex parte*.

65. No legal practitioner shall be nominated as arbitrator by any party to the dispute.

66. In proceedings before the Registrar or an arbitrator, no party shall be represented by a legal practitioner.

67. The arbitrator or the Registrar, as the case may be, shall have the power to order the expenses of determining a dispute or the costs of the either party to be borne by such party or parties to the dispute as he may think fit.

68. The record of arbitration proceedings shall be kept in such place and in such manner as the Registrar may direct.

A copy of the decision or award shall, on application be given to a party by the Registrar on payment of such fees as are laid down in rule 102 of these Rules.

69. No appeal under section 50(5), clause (a) of the Act shall be entertained by the Registrar unless the appeal is accompanied by a copy of award appealed against.

70. Under section 50(7) of the Act, revision shall lie to the Government in the Co-operative Department, or the Registrar, within 60 days of the date of the communication of the award or the decision in appeal. No power of revision shall be exercised unless all the parties to the dispute have been given a reasonable opportunity of being heard.

Winding up and Cancellation

71. (a) The appointment and removal of a liquidator shall be published in the Government Gazette if the Government have a major financial interest in the society as defined in rule 40(a) of these Rules.

(b) In any other case, the order appointing and removing a liquidator shall be communicated by the Registrar in such manner and to such persons besides the Society and the financing bank under section 44 of the Act, as he thinks fit.

72. The liquidator, appointed under section 45 of the Act, may be allowed such remuneration as the Registrar may decide.

73. After the liquidator has been appointed, he shall give in such manner as the Registrar may direct, a notice requiring all claims against the society to be forwarded to him within one month of the publication of the notice :

Provided that all liabilities recorded in the books of the society shall be deemed to have been duly communicated to the liquidator.

74. The liquidator may, at any time, call a meeting of the members, or of the creditors or a joint meeting of the members and creditors and such meeting shall be called, held and conducted at such time and place and in such manner as the liquidator may think fit.

75. The liquidator may issue summons to any person whose attendance is required, either to give evidence or to produce documents connected with the winding up of the society. He may compel the attendance of a person to whom summons is issued and, for that purpose, issue a warrant for his arrest through the civil court exercising jurisdiction in the area in which the society operates :

Provided that the liquidator shall send all such processes for service to the civil court having jurisdiction in the area in which the service is to be effected.

The court shall proceed as if such process had been issued by it and shall return it to the liquidator with report of service.

76. An order passed by the liquidator under clause (e) of section 46(2) of the Act shall be submitted by him to the Registrar for approval. The Registrar may modify such order ; refer it back to the liquidator for further enquiry or action.

77. A copy of the order referred to in rule 76 of these Rules as finally approved by the Registrar, shall be filed by the liquidator in the civil court having local jurisdiction to be enforced in the same manner as decree of such court.

78. If the Civil Court is unable to recover the sum assessed by the liquidator against any member or members or past member or estates, nominees, heirs and the legal representatives of deceased members or the past or present officers of the society, the liquidator may frame a subsidiary order or orders against any other members or past members or estates, nominees, heirs and the legal representative of deceased members or the past or present officers of the society to the extent of the liability for the debts of the society, until the whole amount assessed against them is recovered. The subsidiary order or orders shall be executed in the matter as specified in rule 77 of these Rules.

79. The liquidator shall submit to the Registrar a quarterly report in such form as the Registrar may lay down, showing the progress made in the liquidation of the society placed under his charge.

80. All funds in charge of the liquidator shall be deposited in the post office saving bank or with such bank or person/persons as the Registrar may approve.

81. All expenses incurred in connection with the winding up of a society shall be subject to the approval of the Registrar.

82. The liquidator shall distribute the realized assets in such manner and in such priority as the Registrar may direct.

83. The liquidator shall, after meeting the liabilities of the society, submit a final report to the Registrar.

84. After discharging the liabilities of the society and the repayment of share capital, the liquidator may utilize the surplus assets, if any, for one or more of the following purposes—

- (a) Deposit the amount in a co-operative bank until a new society with a similar area of operation is registered when it shall be credited to reserve fund of the new society.

- (b) Any purpose connected with the development of Co-operative Movement, subject to the approval of the Registrar.
- (c) An object of public utility selected with due regard to the wishes of the members and approved by the Registrar.

85. When the affairs of a society have been wound up, the liquidator shall deposit the record of the society with the Registrar or such person or institution as the Registrar directs from time to time.

86. (a) Any member of the society ordered to be wound up under section 44(1) of the Act, may, within two months of the date of communication of the order, prefer an appeal to Government :

Provided that no appeal shall be entertained unless it is accompanied by a copy of the order appealed against.

(b) The order passed by the appellate authority shall be final.

87. (a) Any member or creditor of a society ordered to be cancelled under section 49(2) of the Act, may, within two months of the date of communication of the order to the President of the society or the financing bank, appeal to Government, against such order :

Provided that no appeal shall be entertained unless it is accompanied by a copy of the order appealed against.

(b) The order passed by the appellate authority shall be final.

Audit and Accounts

88. The authority referred to in section 20(1) of the Act shall be the Chief Auditor, Co-operative Societies, Punjab, and the officers subordinate to him and other person authorised by him in this behalf.

89. Government may, by notification in the official Gazette, confer any or all the powers of the Chief Auditor on such person or persons other than the Registrar, or officers under his control, as it considers fit.

90. The accounts of a society shall be audited in such manner as Chief Auditor may specify from time to time.

91. A society or class of societies shall maintain the accounts books and other record connected with accounts, in such form and manner as may be directed by the Chief Auditor.

92. (a) A society shall prepare a balance sheet and profit and loss account as soon as practicable after the close of the co-operative year in such form as may be laid down by the Chief Auditor.

(b) If the Chief Auditor so directs, a copy of the balance sheet and profit and loss account shall be supplied by a society to the Chief Auditor by such date as the Chief Auditor may specify.

93. The audit fee recoverable from a society or class of societies shall be assessed in the manner as may be laid down by the Chief Auditor from time to time subject to the approval of the Government.

Miscellaneous

94. The notice under proviso (i) of section 12(1) of the Act shall be given by a registered post.

95. For the purpose of section 29 of the Act, a copy of an entry in the books of a society shall be certified by a certificate written at the foot of such copy declaring that it is a true copy of such entry and that the book containing the entry is still in the custody of the society :

Provided that the said certificate shall be dated and signed by an officer of the society.

96. (a) The powers of the Registrar under section 51 of the Act shall not be exercised by an officer below the rank of Assistant Registrar.

(b) Under section 51 of the Act, the custody and preservation of property under distraint shall be made in such manner as may be laid down under the law relating to Civil Procedure in this behalf.

97. The Registrar may, by a general or special order, from time to time, direct a society or class of societies to keep such books and registers, not connected with accounts, as he thinks fit.

98. The Registrar may lay down the returns to be submitted by a society and provide for the persons by whom and the form in which such returns will be submitted. If a society fails to comply with the directive within a reasonable time, the Registrar may have the returns completed at the expenses of the society.

99. Any member of the public shall be permitted, on payment of a fee of one rupee for each occasion of inspecting, to inspect, for any lawful purpose, any public documents (exclusive of public documents privileged under sections 123, 124, 128 and 131 of the Indian Evidence Act, 1872) filed in the office of the Registrar of Co-operative Societies, and in particular the following documents, namely :—

- (1) The registration register.
- (2) The registration certificate of a society.
- (3) The registered by-laws of a society and amendments effected in such by-laws.
- (4) An order cancelling the registration of a society.
- (5) An order directing the liquidation of a registered society.
- (6) The annual accounts of a society.
- (7) Any decision of the Registrar or award of an arbitrator under rule 70.

100. The fees prescribed for certified copies of any public documents, which any person has under the preceding rule a right of inspection are as follows:—

	Rs
For registration certificate	.. 3

In the case of other documents, a sum calculated at the following rates:—

	<i>English</i>	<i>Urdu, Hindi or Punjabi</i>
	Annas	Annas
First two hundred words	.. 12	6
or under every additional hundred words		
or fraction thereof	.. 6	3

101. The form of order referred to in section 53 (1) of the Act shall contain the particulars attached as Appendix 'C'.

APPENDIX A

FORM OF APPLICATION FOR REGISTRATION OF A CO-OPERATIVE SOCIETY

- (1) Name of proposed society .. _____
- (2) Class of society and liability .. _____
- (3) Address of society. _____
- (4) Area of operation. _____
- (5) Number of houses in (4). _____
- (6) Predominant tribes . _____
- (7) Number of members at present _____
- (8) What is the occupation of members. _____
- (9) Estimated unsecured debits of members (in case of a credit society). _____
- (10) Area mortgaged by members and the mortgage money (In case of credit societies and mortgage banks) _____
- (11) Capital with details of shares, deposits fees, etc. _____
- (12) Annual shares. _____
- (13) Rate of interest to be charged on loans (if advance of loans be one of the objects) _____
- (14) Managing Committee .. _____

We, the undersigned apply that the above society may be registered as a Co-operative Society under Section 8(1) of Act XIV of 1954. We enclose herewith 3 copies of proposed by-laws of our society.

APPENDIX B

Liquidation Order for Pests, Contribution and Cost of Liquidation

I _____ Liquidator _____

Society U/L Tehsil _____ District _____

authorised under section 46(2) (c) (d) and (e) of the Punjab Co-operative
orderSocieties, Act, 1954 do hereby _____ Shri _____ ;
assess

son of _____ Caste _____ resident

of _____ Tehsil _____

District _____

to pay Rs _____ as _____
debits
contribution
liquidation expensesMember

Past member

as _____ towards assets of the society.

estate nominee, heir or legal representative

of Shri _____ deceased member
sonPast Officer

Present Officer

of _____ resident of _____

Tehsil _____ District _____

Liquidator _____

Dated _____

APPENDIX C

AWARD

Under Section 50 of the Punjab Co-operative Societies Act of 1954
and rule 64 framed under Section 60 of this Act.

Whereas the following matter in dispute between the

Co-operative Society of
and Principal,
, son of Surety,
namely,
Surety,

has been referred to me for determination or by the Registrar's order,
dated—I, having duly
considered the matter, hereby direct that

do pay to
the sum of Rs Principal with
Rs interest
at—per cent to this date, and Rs
costs, or Rs in all,
together with interest at the rate of—per
cent per annum until the realization of the Principal sum, viz.,
Rs

The above amount shall be paid by—. If
it is not so paid, the amount may be realized through a civil court either
by the sale of all the property of the debtor and his sureties, which was
specifically mortgaged for the satisfaction of this debt and which is shown
in detail in the schedule attached to this award, or of any other property
belonging to the debtor, or both, or by arrest of the debtor.

Signed—

Dated—.

Award given in presence of
and—

Registrar
or
Arbitrator

RULES UNDER THE COTTON TRANSPORT ACT

In exercise of the powers conferred by Section 7 of the Cotton Transport Act, 1923 (Act III of 1923), the Punjab Government is pleased to make the following rules to carry out the purposes of said Act, namely:—

1. Licence for the import of cotton into the protected areas will be granted by the Director of Agriculture, Punjab, and application should be made to that officer in Form 'A' annexed to these rules. Licensing authority.
Form of application for Licence.

2. No cotton of which the import has been prohibited by or under section 3 of the Cotton Transport Act, 1923, shall be imported into a prohibited area by road, river or sea, save under and in accordance with the condition of a licence issued as provided by these rules.

3. Annual licences for import by rail, road, river or sea, shall be granted to manufacturing concerns situated within the protected areas for the importation of cotton or of any specified kind of cotton from outside such area for manufacture only. Such licences shall be in Form 'B' hereto annexed and shall be subject to the conditions stated therein. Licence for import of cotton manufacturer

(1-A) Annual licenses for importation by rail, road, river or sea of full pressed cotton bales may be granted to persons other than manufacturing concerns within the protected areas for the purpose of selling them to manufacturing concerns. Such licences shall be in form (B-1) hereto annexed and shall be subjected to the conditions stated therein.

(2) In the case of consignment to be despatched by rail, certified copies of the licence shall be tendered along with a statement in form 'C' hereto annexed, with each consignment at the despatching stations and shall accompany the railway invoice to the station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for being forwarded to the Secretary, Indian Central Cotton Committee and in case of consignments to be despatched by road, river or sea, certified copies of such licenses shall be tendered along with a statement in form 'C' hereto annexed with each consignment and shall be delivered at Naka, bundar or other place specified by the licensing authority to the Officer mentioned in the licence for being forwarded to the Secretary, Indian Central Cotton Committee.

(3) The license shall be returned to the licensing authority at the expiration of the period for which it is granted together with all unused certified copies of the same.

4. (1) A single license to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton or any specified kind of cotton (that is, cotton seed, kapas, ginned cotton or cotton waste) into the protected area. Such licenses shall be in form D, hereto annexed and shall be subject to the conditions stated therein. License for particular consignment by rail.

(2) Such license shall be surrendered at the station of delivery to the Station Master or other prescribed officer at the time of taking delivery of the cotton covered by the license, who shall forward it to the licensing authority.

(3) A certified copy of each license shall be tendered along with a statement in Form E, hereto annexed, with each consignment at the despatching station and accompany the railway invoice to the station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for return to the Secretary, Indian Central Cotton Committee.

Licene
for particular
consignment
by road, river
or sea.

5 (1) A single license to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton or any specified kind of cotton (that is cotton seed, kapas, ginned cotton or cotton waste) by road, river or sea into the protected area. Such license shall be given in Form F, annexed hereto and shall be subject to the conditions stated therein.

(2) Such license shall be delivered at the 'Naka' 'bunder', or other places specified by the licensing authority to the officer mentioned in the license who shall forward it to the licensing authority.

Separate
license to be
issued for
different
kind of
cotton.

6. Separate licenses will be issued for different kinds of cotton, that is to say, for ginned cotton, cotton seed, unginned cotton (kapas and cotton waste).

Penalty.

7. Any contravention of these rules or of the conditions of any license, not otherwise punishable under the said Act, shall be punishable, on conviction by a Magistrate, with fine which may extend to five hundred rupees.

FORM "A"
Application for License
(See Rule 1)

To

The Director of Agriculture _____.

SIR,

I

_____the undersigned hereby beg to apply for—

We

license under the Cotton Transport Act, 1923 (Act III of 1923) available for the period of _____
for the importation by rail/road/river/sea of _____

bales of _____

maunds _____

into the protected area known as _____ notified in
G.N.R.D., No. 535-A, dated the 18th August, 1923, at _____
station for the purpose of _____

I/We also beg to apply for a certified copy of the license (as required by the said Act).

2. I/We declare that such cotton/kapas/cotton seed/waste is required for the purpose of—————only and will not be otherwise used save under the instructions of the licensing authority.

*Reasons why importation is necessary**

3. I/We undertake :—

- (1) In the event of cotton/kapas/cotton seed/waste imported under the said license proving unsuitable for the purpose for which it is imported, to report the matter to the Licensing authority and to wait his approval to its disposal otherwise, before allowing such cotton/kapas/cotton seed/waste to leave our premises.
- (2) That under the circumstances will I/we allow cotton/kapas (imported cotton seed)/waste under the said license to be used for mixing with, or adulteration of cotton/kapas/cotton seed produced in the protected area for re-export nor will I/we allow it to be re-exported under a misdescription.
- (3) To return the said license on expiration to the licensing authority together with such details as he may require as to the Cotton/Kapas Cotton Seed/Waste imported under it and of its subsequent disposal

Dated at

(Signature).

(See instructions below)

INSTRUCTIONS

(a) The Cotton Transport Act does not impose any general restrictions on cotton transport but only on transport into specified areas (notified by local Governments) for protection from stations outside these areas. Each notification includes a schedule of railway stations in the protected area to which it refers. Licenses are only required by concerns situated within the limits of a protected area. Licenses granted under the Cotton Transport Act are available for the importation of cotton from anywhere in India but only to the stations specified.

(b) Cotton, as defined in the Act, includes ginned cotton, unginned cotton (Kapas), cotton seed and cotton waste but separate licenses are required for each. Separate rules are also in force for the importation into protected areas of cotton by road, river or sea.

*Reasons should be clearly stated as licences are only issued in case of proved necessity.

In the case of applications for licenses to import by road, river, or sea the form should be modified as may be necessary.

(c) Station Masters, at all stations in India are empowered by section 4 of the Act to refuse to book cotton to a notified station in a protected area unless a certified copy of the license is handed in when the cotton is tendered for booking. Each consignment requires a separate certified copy which will accompany the railway invoice to destination.

(d) Station Masters at notified stations are required by section 5 of the Act to refuse delivery of cotton from outside the protected area (which is defined by a list of stations) unless accompanied by a certified copy of the license (or unless the original license is produced).

(e) Paragraph 2 in the application form corresponds with condition (b) of the license the object being to safeguard the protected area against the misuse (which might be quite unintentional) of cotton imported under license.

(f) The protected areas notified in the Bombay Presidency are those contained in Government notification Revenue Department No. 535-A, dated the 18th August, 1923.

FORM B

ANNUAL GENERAL LICENSE (FOR MILLS)

(IMPORT BY RAIL, ROAD, RIVER OR SEA)

[See rule 3(i)]

License is hereby granted under the Cotton Transport Act, 1923 (III of 1923) to * (Hereinafter referred to as "the licensee") authorising him/it to import by rail, road, river or sea from to in the protected area of for the purpose of manufacture during the period from 1st day of September, 19 to the 31st day of August, 19 subject to the following conditions, namely :—

1. The licensee shall tender a certified copy of this license with the consignment at the despatching station.
2. The licensee shall on the arrival of the consignment at deliver a certified copy of this license to the officer-in-charge of the
3. Save with the permission of the licensing authority no cotton imported under the license shall be used by the licensee for any purpose other than for manufacture.

Dated

195

Licensing Authority

*Here insert the name of person to whom license is to be granted.

FORM B-1

ANNUAL GENERAL LICENSE FOR IMPORT BY RAIL, ROAD
RIVER OR SEA OF FULL PRESSED COTTON BALES

(See Rule 3(1-A))

No.

19

License is hereby granted under the Cotton Transport Act, 1923
(III of 1923) to _____

(hereinafter referred to as "the licensee") authorising him/it to import
by rail, road, river or sea full pressed cotton bales from
to _____ in the protected area of
for sale to manufacturing concerns, during the period from the
1st day of September, 19 to 31st day of August, 19 , as subject
to the following conditions, namely:—

- *1. The licensee shall on the arrival of the consignment at
_____ deliver a certified copy of this license
to the officer-in-charge of the
2. Save with the permission of the licensing authority no cotton
imported under this license shall be used by the licensee for any
purpose other than for sale to manufacturing concerns.
3. The licensee shall maintain an account of the bales of cotton
imported and sold under this license, and shall on demand,
show the bales and accounts of inspection to the Director of
Agriculture or an officer subordinate to him.
4. The licensee shall on the 10th day of every month submit
to the licensing authority a statement of bales of cotton im-
ported and sold during the preceding month and the bales of
cotton held in stock by the licensee at the end of said month.

Dated

19

Licensing Authority

*Here enter ginned cotton waste, kapas, or cotton seed in respect of which
license is granted.

†To be retained in the case of consignment to be despatched by rail only.

†To be retained in the case of consignment to be despatched by rail, river or
sea only. S Here insert the Naka, bundar or other places and here
insert the name of the person to whom license is to be granted X To
be retained in the case of consignments to be despatched by rail only.
S/ To be retained in the case of consignments to be despatched by road,
river or sea only O Here insert the Naka bundar or other place.

FORM 'C'

(See rule 3 (2))

License No. _____ of _____ 19 .

Name of consigner.

Number of bales.

Description of cotton.

Dated 19 _____ Signature of the consignee.

Signature of the Station Master or
of officer in-charge of the".

FORM 'D'

Single license (for consignment by rail)

(See Rule 4)

Under the Cotton Transport Act, 1923 (Act III of 1923), Messrs _____ are granted a license to import to station situated in the protected area known as _____ notified by G.N., R.D. No. 535-A, dated 18th August, 1923, _____ bales/maunds of* from _____ (Station) for the purpose of _____

The license is only valid for one consignment and shall be surrendered to the undersigned, duly endorsed by the Station Master of the Station of delivery on the arrival of the consignment:—

- (a) A certified copy of his license shall be tendered with the consignment at the despatching stations.
- (b) Cotton imported under this license shall not be used except for the purposes stated above, save under the instructions of the Licensing authority.

(Sd).

Dated 19 .

Licensing Authority.

*State whether ginned cotton, cotton waste, kapas or cotton seed.

FORM 'E'*(See Rule 4(3))*

License No. _____ of _____ 19 ____ .

Name of the consigner. _____

Number of bales. _____

Description of cotton. _____

Dated _____ 19 ____ . (Signature of the consigner) _____

(Signature of the Station Master)**FORM 'F'****(Single license for consignment by road, river or sea)***(See Rule 5)*

Under the Cotton Transport Act, 1923, Messrs/Mr _____
_____ are/is granted a license to import to _____
situated in the protected area known as notified by G.N.R.D. No.535-A,
dated 18th August, 1923 _____ bales/maunds of _____
_____ from _____ for the purpose of _____

This license is only valid for one consignment and shall be sur-
rendered to the officer-in-charge of the _____ on the arrival of
the consignment

(a) Cotton imported under this license shall not be used except
for the purposes stated above, save under the instructions of the licensing
authority.

(Sd) Licensing Authority.

GENERAL GRADING AND MARKING RULES

1. These rules may be called the General Grading and Marking Rules, 1937.

2. Any person or body of persons desirous of being authorised to mark any articles with a grade designation mark shall apply to the:

Agricultural Marketing Adviser to the Government of India,
Delhi.

3. (1) If after due enquiry the Agricultural Marketing Adviser (or any person duly authorised by him in this behalf) is satisfied that it is expedient in the interest of better marketing that the authorisation be granted and that the applicant is a fit and proper person to receive a certificate of authorisation, he shall issue such a certificate to the applicant.

(2) Each certificate shall state—

- (a) the name and address of the authorised person or body of persons ;
 - (b) the articles to which grade designation marks may, under the certificate be applied ;
 - (c) the period for which the certificate is valid ; and
 - (d) the premises at which alone the grade designation marks may be applied.
4. It shall be a condition of every certificate of authorisation—
- (a) that grade designation marks shall only be applied to the articles mentioned in the certificate of authorisation and at the premises therein mentioned ;
 - (b) that during the operation of the certificate the holder thereof shall, at all reasonable times, give access to the premises named therein to any person duly authorised by the Agricultural Marketing Adviser or by the Central Government and shall afford him facilities for ascertaining that marking is being correctly performed ;
 - (c) that the holder of the certificate will keep a record of the number of packages marked with each grade designation mark and will permit any person duly authorised by the Agricultural Marketing Adviser or by the Central Government to examine the record ;
 - (d) that the holder of the certificate will permit any duly authorised person to take samples of any graded produce or to open and inspect any package bearing a grade designation mark, provided that all samples shall be paid for ;
 - (e) that any person authorised in this behalf by the Agricultural Marketing Adviser to the Government of India or by the Central Government may cancel or remove a grade designation mark from any produce (should such produce be found by such person not to comply with the definition of quality prescribed for that article ; provided that whenever

- grade designation marks are removed from graded produce belonging to distributors, and not to authorised packers, the latter shall, when so directed by the Agricultural Marketing Adviser to the Government of India make good to the former any loss sustained as a result of the removal of the grade designation mark, the loss being estimated on the basis of the additional value that the properly graded produce would have obtained in the market over and above the current market value of the corresponding quantity of the un-graded product) ;
- (f) that all rules made under the Agricultural Produce (Grading and Marketing) Act, 1937 and all instructions regarding methods of sampling, analysis submission of periodical returns, etc., which may be issued, from time to time, by the Agricultural Marketing Adviser to the Government of India shall be observed ;
 - (g) that any certificate of authorisation may be cancelled, revoked, modified or suspended by the Agricultural Marketing Adviser or by any other person authorised by the Central Government in that behalf, provided that 14 days' notice in writing shall be given to the certificate holders at the address stated on the certificate and an opportunity given him for showing cause why his certificate should not be cancelled, revoked modified or suspended ;
 - (h) that any holder of a certificate of authorisation may, with the written consent of the Agricultural Marketing Adviser, use a replica of the Agmark design on his business papers and catalogues ;
 - (i) that any stencil, rubber stamp, punch or other instrument or label required for marking produce in the prescribed manner shall only be obtained from the Agricultural Marketing Adviser or a person authorised by him or on payment of such charges as the Central Government may from time to time fix in this behalf, shall be kept in safe custody by the holder of the certificate and shall, so far as may be, be returned to the Agricultural Marketing Adviser or such authorised person when the certificate ceases to be valid ;
 - (j) that the issue or use of grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking produce in the prescribed manner may be withheld or withdrawn by the Agricultural Marketing Adviser to the Government of India or a person authorised by him in this behalf without any notice for such period as he may consider expedient in the interest of better marketing if he is satisfied or has reasons to believe that the authorised packer is not applying or is not likely to apply, grade designation marks correctly ; and
 - (k) that the holder of a certificate of authorisation shall pay such charges as may be prescribed by the Central Government from time to time, towards the expenses incurred in connection with measure for enforcing the quality control of scheduled articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles.

'THE PUNJAB SCHEDULED AREAS TRADERS' (FACILITIES
FOR LOANS) RULES 1956.

Short title

1. These rules may be called the Punjab Scheduled Areas Traders' facilities for Loans) Rules, 1956.

Officers

empowered to grant loans

2. Within the limits of funds allotted to them for the purpose, the following officers are empowered to grant loans :—

(1) Sub-Divisional Officer (Civil), Kulu Up to Rs 2,500.

(2) Deputy Commissioner, Kangra .. From Rs 2,501 to Rs 5,000.

(3) Financial Commissioner .. Above Rs 5,000.

The limits apply to the amounts which may be granted in any individual case.

Interest

3. (1) Interest will be charged at the rate of $5\frac{1}{4}$ per cent per annum.(2) Penal interest will not be charged on instalments which have been suspended by order of competent authority, as mentioned in rule 7 following, but in other cases will ordinarily be charged at 2 per cent per annum in addition to the normal rate (of $5\frac{1}{4}$ per cent per annum), simple interest, on the total of the overdue instalment, when the delay exceeds one month. Compound interest will in no case be charged and the Deputy Commissioner, Kangra, may remit or reduce the penal interest, when he is satisfied that the failure is due to the inability to pay or that the levy of such interest would cause hardship.

Security

4. The officer advancing the loan shall require the loanee to produce two persons who will become surety for the repayment of the loan with interest, where charged, or necessary security may be given by the loanee in the form of hypothecation of immovable property of a value equal in the opinion of the sanctioning authority to not less than $1\frac{1}{2}$ times the amount of the loan.

Agreement

5. The borrower shall be required to sign on the order of payment an agreement in a form as prescribed in the Appendix of these Rules and shall be given a copy of this agreement.

Dates of payment of instalment

6. Loan will be recovered in an individual case in 10 equal half-yearly instalments and the interest, together with the penal interest, if any, in an additional instalment. These instalments will become due on 1st May and 1st November each year.

Suspension

7. Instalments of loan due may be suspended by order and at the discretion of the Deputy Commissioner, Kangra, up to a limit of Rs. 1,000 in any one case on proof of inability of the borrower to make payment by the due dates. The Commissioner, Jullundur Division, may suspend instalments to any amount provided he is satisfied that the financial position of the borrower is weak to make the payment. In all cases, formal order of suspension, in writing, shall be passed.

Remission

8. When any portion of a loan under these rules is found to be irrecoverable, or when from any special cause, it appears that the loan ought not to be recovered, a special report should be made by Deputy Commissioner, Kangra, to the Commissioner, Jullundur Division, who is empowered to grant remission up to a limit of Rs 500 in any one case. If the amount exceeds Rs 500 the Commissioner shall forward the report to the Financial Commissioner, who is empowered to sanction remission without limits.

¹Vide Punjab Government notification No. 2904-RR (CH)-56/2399, dated 9th May, 1956

APPENDIX

Form of Order and Agreement to be used when a loan is made under the Scheduled Areas Traders' (Facilities for Loan) Rules.

Village

Whereas AB _____, son of _____
_____ and CD _____ son _____ of _____
_____, Village _____, Tahsil _____
_____ District _____ has/have applied to Govern-
ment for a loan under the Scheduled Areas Traders' (Facilities for Loan)
Rules, for the purpose of relief of their distress and trading, it is hereby
ordered that a loan of Rs. _____ be granted to him/them,
subject to the condition that Government will not be bound by clerical
mistakes in the order or agreement and will be entitled to recover the full
amount of principal and interest payable on account of the loan in ac-
cordance with the rules in force. The loan will be repaid with interest
in ten equal instalments of Rs. _____ commencing with _____
_____ each instalment being repaid on the first May and
1st November respectively. The rate of interest chargeable shall be $5\frac{1}{2}$
per cent per annum simple interest and the total sum repayable including the
principal and the interest, will be Rs. _____. Penal interest at a fixed
rate of 2 per cent per annum simple interest may be charged on overdue
principal not suspended by competent authority. If any instalment is
not paid on the due date, the whole amount of the loan with such interest
as may become due thereon may at the discretion of the Deputy Com-
missioner, Kangra, be deemed to become due.

I (AB)

myself and my
on behalf of _____
ourselves and our

We (AB) and (CD)
and each of my heirs and legal representatives do hereby bind
our
myself and them and each of them to be personally
ourselves jointly
responsible to Government for the repayment of the loan.

If I make default in the punctual payment of
any of us makes

my debt then I X and Y (sureties) are responsible
his share then the others of us and
jointly and severally to Government for the payment of it.

where sure-
ties give
personal
security

As between ourselves we the applicants are responsible for repay-
ment of the loan in the following shares :—

The loan shall be applied solely to the purpose specified above, and if
it shall be proved to the satisfaction of the Collector that any part of the
loan has been misplaced, the whole amount of the loan shall, with such
interest as may have become due thereon be deemed to become at once
due.

Whereas collateral security for the punctual repayment of the loan Where
according to the terms of the order is demanded, I/We mortgage to immovable
Government the immovable property mentioned in the Schedule below property is
as a collateral security. hypothecated
as collateral
security

**PUNJAB SCHEDULED AREAS TRADERS' (FACILITIES
FOR LOANS) RULES**

I/We the undersigned acknowledge the receipt of Rs. _____ borrowed by me/us and hereby agree to the conditions of repayment specified above. In witness where of we have hereunder set our thumb-marks and signatures on the dates specified, respectively.

Signature of the officer making the grant

Signature of the applicants and sureties

1	2	3	4	5
No.	Name of applicant or surety	Amount of loan	Signatures and thumb-marks	Date of execution

(Where there are sureties their names should be shown as such along with the name (or names) of the principal, and the word "surety" added).

INSPECTION

1	2	3
Date	Remarks	Signature of officer

REPAYMENTS

1	2	3
Date	Amount	Signature of Tehsil Officer

B-0886

